

Official Journal

of the European Communities

ISSN 0378-6978

L 199

Volume 28

31 July 1985

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 2137/85 of 25 July 1985 on the European Economic Interest Grouping (EEIG) 1
- ★ Council Regulation (EEC) No 2138/85 of 25 July 1985 opening, allocating and providing for the administration of a Community tariff quota for deep-frozen fillets of Alaska pollack falling within subheading ex 03.01 B II b) 14 of the Common Customs Tariff 10
- ★ Council Regulation (EEC) No 2139/85 of 25 July 1985 amending Regulation (EEC) No 3247/81 on the financing by the European Agricultural Guidance and Guarantee Fund, Guarantee Section, of certain intervention measures, particularly those involving the buying in, storage and sale of agricultural products by intervention agencies 13
- ★ Council Regulation (EEC) No 2140/85 of 25 July 1985 on the conclusion of the Agreement in the form of an exchange of letters between the European Economic Community and the Portuguese Republic regarding prepared or preserved tomatoes falling within subheading 20.02 C of the Common Customs Tariff 14
- Agreement in the form of an exchange of letters between the European Economic Community and the Portuguese Republic regarding prepared or preserved tomatoes falling within subheading 20.02 C of the Common Customs Tariff 15
- Commission Regulation (EEC) No 2141/85 of 30 July 1985 fixing the import levies on cereals and on wheat or rye flour, groats and meal 16
- Commission Regulation (EEC) No 2142/85 of 30 July 1985 fixing the premiums to be added to the import levies on cereals, flour and malt 19
- ★ Commission Decision No 2143/85 of 29 July 1985 amending for the fourth time Decision No 3715/83/ECSC fixing minimum prices for certain steel products 21

(Continued overleaf)

Contents (continued)

Commission Regulation (EEC) No 2144/85 of 30 July 1985 specifying the extent to which applications lodged in July 1985 for import licences in respect of young male bovine animals for fattening may be accepted	22
Commission Regulation (EEC) No 2145/85 of 30 July 1985 determining the extent to which applications lodged in July 1985 for the issued of import licences in respect of frozen beef intended for processing may be accepted	23
★ Commission Regulation (EEC) No 2146/85 of 30 July 1985 on the sale at a price fixed in advance of unprocessed currants from the 1984 harvest held by Greek storage agencies	24
★ Commission Regulation (EEC) No 2147/85 of 30 July 1985 fixing for the 1985/86 marketing year the minimum price to be paid to producers for unprocessed dried grapes and the amount of production aid for dried grapes	26
★ Commission Regulation (EEC) No 2148/85 of 30 July 1985 extending the period of storage of certain quantities of dried figs and dried grapes, held by storage agencies, from the 1982 and 1983 harvests	28
★ Commission Regulation (EEC) No 2149/85 of 30 July 1985 re-establishing the levying of customs duties on footwear with outer soles and uppers of rubber or artificial plastic material falling within heading No 64.01 originating in Malaysia to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3562/84 apply	30
★ Commission Regulation (EEC) No 2150/85 of 30 July 1985 re-establishing the levying of customs duties on polyethylene falling within subheading No 39.02 C I originating in Saudi Arabia to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3562/84 apply	31
Commission Regulation (EEC) No 2151/85 of 30 July 1985 fixing the import levies on milk and milk products	32
Commission Regulation (EEC) No 2152/85 of 30 July 1985 fixing additional amounts for certain pigmeat products	36
Commission Regulation (EEC) No 2153/85 of 30 July 1985 introducing a countervailing charge on aubergines originating in Spain	38
Commission Regulation (EEC) No 2154/85 of 30 July 1985 amending Regulation (EEC) No 2036/85 introducing a countervailing charge on pears originating in Spain	40
Commission Regulation (EEC) No 2155/85 of 30 July 1985 fixing the import levies on white sugar and raw sugar	41

(Continued on inside back cover)

Commission Regulation (EEC) No 2156/85 of 30 July 1985 altering the import levies on products processed from cereals and rice	42
---	----

II *Acts whose publication is not obligatory*

Council

85/366/EEC :

★ Council Decision of 16 July 1985 concerning the conclusion of a Community-COST concertation agreement on a concerted action project on the use of lignocellulose-containing by-products and other plant residues for animal feeding (COST Project 84 bis)	44
--	-----------

Community-COST concertation agreement on a concerted action project on the use of lignocellulose-containing by-products and other plant residues for animal feeding (COST Project 84 bis)	45
---	----

85/367/EEC :

★ Council Decision of 16 July 1985 concerning the conclusion of a Community-COST concertation agreement on a concerted action project on the effects of processing and distribution on the quality and nutritive value of food (COST Project 91 bis)	50
---	-----------

Community-COST concertation agreement on a concerted action project on the effects of processing and distribution on the quality and nutritive value of food (COST Project 91 bis)	51
--	----

85/368/EEC :

★ Council Decision of 16 July 1985 on the comparability of vocational training qualifications between the Member States of the European Community	56
--	-----------

85/369/EEC :

★ Application of Article 27 of the Sixth Council Directive of 17 May 1977 on value added tax	60
---	-----------

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2137/85
of 25 July 1985
on the European Economic Interest Grouping (EEIG)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 235
thereof,

Having regard to the proposal from the Commis-
sion ⁽¹⁾,

Having regard to the opinion of the European
Parliament ⁽²⁾,

Having regard to the opinion of the Economic and
Social Committee ⁽³⁾,

Whereas a harmonious development of economic acti-
vities and a continuous and balanced expansion
throughout the Community depend on the establish-
ment and smooth functioning of a common market
offering conditions analogous to those of a national
market; whereas to bring about this single market and
to increase its unity a legal framework which facilitates
the adaptation of their activities to the economic
conditions of the Community should be created for
natural persons, companies, firms and other legal
bodies in particular; whereas to that end it is necessary
that those natural persons, companies, firms and other
legal bodies should be able to cooperate effectively
across frontiers;

Whereas cooperation of this nature can encounter
legal, fiscal or psychological difficulties; whereas the
creation of an appropriate Community legal instru-
ment in the form of a European Economic Interest
Grouping would contribute to the achievement of the

abovementioned objectives and therefore proves neces-
sary;

Whereas the Treaty does not provide the necessary
powers for the creation of such a legal instrument;

Whereas a grouping's ability to adapt to economic
conditions must be guaranteed by the considerable
freedom for its members in their contractual relations
and the internal organization of the grouping;

Whereas a grouping differs from a firm or company
principally in its purpose, which is only to facilitate or
develop the economic activities of its members to
enable them to improve their own results; whereas, by
reason of that ancillary nature, a grouping's activities
must be related to the economic activities of its
members but not replace them so that, to that extent,
for example, a grouping may not itself, with regard to
third parties, practise a profession, the concept of
economic activities being interpreted in the widest
sense;

Whereas access to grouping form must be made as
widely available as possible to natural persons, compa-
nies, firms and other legal bodies, in keeping with the
aims of this Regulation; whereas this Regulation shall
not, however, prejudice the application at national
level of legal rules and/or ethical codes concerning the
conditions for the pursuit of business and professional
activities;

Whereas this Regulation does not itself confer on any
person the right to participate in a grouping, even
where the conditions it lays down are fulfilled;

Whereas the power provided by this Regulation to
prohibit or restrict participation in grouping on
grounds of public interest is without prejudice to the
laws of Member States which govern the pursuit of
activities and which may provide further prohibitions
or restrictions or otherwise control or supervise partici-
pation in a grouping by any natural person, company,
firm or other legal body or any class of them;

⁽¹⁾ OJ No C 14, 15. 2. 1974, p. 30 and OJ No C 103, 28. 4.
1978, p. 4.

⁽²⁾ OJ No C 163, 11. 7. 1977, p. 17.

⁽³⁾ OJ No C 108, 15. 5. 1975, p. 46.

Whereas, to enable a grouping to achieve its purpose, it should be endowed with legal capacity and provision should be made for it to be represented *vis-à-vis* third parties by an organ legally separate from its membership ;

Whereas the protection of third parties requires widespread publicity ; whereas the members of a grouping have unlimited joint and several liability for the grouping's debts and other liabilities, including those relating to tax or social security, without, however, that principle's affecting the freedom to exclude or restrict the liability of one or more of its members in respect of a particular debt or other liability by means of a specific contract between the grouping and a third party ;

Whereas matters relating to the status or capacity of natural persons and to the capacity of legal persons are governed by national law ;

Whereas the grounds for winding up which are peculiar to the grouping should be specific while referring to national law for its liquidation and the conclusion thereof ;

Whereas groupings are subject to national laws relating to insolvency and cessation of payments ; whereas such laws may provide other grounds for the winding up of groupings ;

Whereas this Regulation provides that the profits or losses resulting from the activities of a grouping shall be taxable only in the hands of its members ; whereas it is understood that otherwise national tax laws apply, particularly as regards the apportionment of profits, tax procedures and any obligations imposed by national tax law ;

Whereas in matters not covered by this Regulation the laws of the Member States and Community law are applicable, for example with regard to :

- social and labour laws,
- competition law,
- intellectual property law ;

Whereas the activities of groupings are subject to the provisions of Member States' laws on the pursuit and supervision of activities ; whereas in the event of abuse or circumvention of the laws of a Member State by a grouping or its members that Member State may impose appropriate sanctions ;

Whereas the Member States are free to apply or to adopt any laws, regulations or administrative measures which do not conflict with the scope or objectives of this Regulation ;

Whereas this Regulation must enter into force immediately in its entirety ; whereas the implementation of some provisions must nevertheless be deferred in order to allow the Member States first to set up the necessary machinery for the registration of groupings in their territories and the disclosure of certain matters relating to groupings ; whereas, with effect from the date of implementation of this Regulation, groupings set up may operate without territorial restrictions,

HAS ADOPTED THIS REGULATION :

Article 1

1. European Economic Interest Groupings shall be formed upon the terms, in the manner and with the effects laid down in this Regulation.

Accordingly, parties intending to form a grouping must conclude a contract and have the registration provided for in Article 6 carried out.

2. A grouping so formed shall, from the date of its registration as provided for in Article 6, have the capacity, in its own name, to have rights and obligations of all kinds, to make contracts or accomplish other legal acts, and to sue and be sued.

3. The Member States shall determine whether or not groupings registered at their registries, pursuant to Article 6, have legal personality.

Article 2

1. Subject to the provisions of this Regulation, the law applicable, on the one hand, to the contract for the formation of a grouping, except as regards matters relating to the status or capacity of natural persons and to the capacity of legal persons and, on the other hand, to the internal organization of a grouping shall be the internal law of the State in which the official address is situated, as laid down in the contract for the formation of the grouping.

2. Where a State comprises several territorial units, each of which has its own rules of law applicable to the matters referred to in paragraph 1, each territorial unit shall be considered as a State for the purposes of identifying the law applicable under this Article.

Article 3

1. The purpose of a grouping shall be to facilitate or develop the economic activities of its members and to improve or increase the results of those activities ; its purpose is not to make profits for itself.

Its activity shall be related to the economic activities of its members and must not be more than ancillary to those activities.

2. Consequently, a grouping may not :

- (a) exercise, directly or indirectly, a power of management or supervision over its members' own activities or over the activities of another undertaking, in particular in the fields of personnel, finance and investment ;
- (b) directly or indirectly, on any basis whatsoever, hold shares of any kind in a member undertaking ; the holding of shares in another undertaking shall be possible only in so far as it is necessary for the achievement of the grouping's objects and if it is done on its members' behalf ;
- (c) employ more than 500 persons ;
- (d) be used by a company to make a loan to a director of a company, or any person connected with him, when the making of such loans is restricted or controlled under the Member States' laws governing companies. Nor must a grouping be used for the transfer of any property between a company and a director, or any person connected with him, except to the extent allowed by the Member States' laws governing companies. For the purposes of this provision the making of a loan includes entering into any transaction or arrangement of similar effect, and property includes moveable and immoveable property ;
- (e) be a member of another European Economic Interest Grouping.

Article 4

1. Only the following may be members of a grouping :

- (a) companies or firms within the meaning of the second paragraph of Article 58 of the Treaty and other legal bodies governed by public or private law, which have been formed in accordance with the law of a Member State and which have their registered or statutory office and central administration in the Community ; where, under the law of a Member State, a company, firm or other legal body is not obliged to have a registered or statutory office, it shall be sufficient for such a company, firm or other legal body to have its central administration in the Community ;
- (b) natural persons who carry on any industrial, commercial, craft or agricultural activity or who provide professional or other services in the Community.

2. A grouping must comprise at least :

- (a) two companies, firms or other legal bodies, within the meaning of paragraph 1, which have their

central administrations in different Member States, or

- (b) two natural persons, within the meaning of paragraph 1, who carry on their principal activities in different Member States, or
- (c) a company, firm or other legal body within the meaning of paragraph 1 and a natural person, of which the first has its central administration in one Member State and the second carries on his principal activity in another Member State.

3. A Member State may provide that groupings registered at its registries in accordance with Article 6 may have no more than 20 members. For this purpose, that Member State may provide that, in accordance with its laws, each member of a legal body formed under its laws, other than a registered company, shall be treated as a separate member of a grouping.

4. Any Member State may, on grounds of that State's public interest, prohibit or restrict participation in groupings by certain classes of natural persons, companies, firms, or other legal bodies.

Article 5

A contract for the formation of a grouping shall include at least :

- (a) the name of the grouping preceded or followed either by the words 'European Economic Interest Grouping' or by the initials 'EEIG', unless those words or initials already form part of the name ;
- (b) the official address of the grouping ;
- (c) the objects for which the grouping is formed ;
- (d) the name, business name, legal form, permanent address or registered office, and the number and place of registration, if any, of each member of the grouping ;
- (e) the duration of the grouping, except where this is indefinite.

Article 6

A grouping shall be registered in the State in which it has its official address, at the registry designated pursuant to Article 39 (1).

Article 7

A contract for the formation of a grouping shall be filed at the registry referred to in Article 6.

The following documents and particulars must also be filed at that registry :

- (a) any amendment to the contract for the formation of a grouping, including any change in the composition of a grouping;
- (b) notice of the setting up or closure of any establishment of the grouping;
- (c) any judicial decision establishing or declaring the nullity of a grouping, in accordance with Article 15;
- (d) notice of the appointment of the manager or managers of a grouping, their names and any other identification particulars required by the law of the Member State in which the register is kept, notification that they may act alone or must act jointly, and the termination of any manager's appointment;
- (e) notice of a member's assignment of his participation in a grouping or a proportion thereof, in accordance with Article 22 (1);
- (f) any decision by members ordering or establishing the winding up of a grouping, in accordance with Article 31, or any judicial decision ordering such winding up, in accordance with Articles 31 or 32;
- (g) notice of the appointment of the liquidator or liquidators of a grouping, as referred to in Article 35, their names and any other identification particulars required by the law of the Member State in which the register is kept, and the termination of any liquidator's appointment;
- (h) notice of the conclusion of a grouping's liquidation, as referred to in Article 35 (2);
- (i) any proposal to transfer the official address, as referred to in Article 14 (1);
- (j) any clause exempting a new member from the payment of debts and other liabilities which originated prior to his admission, in accordance with Article 26 (2).

Article 8

The following must be published, as laid down in Article 39, in the gazette referred to in paragraph 1 of that Article:

- (a) the particulars which must be included in the contract for the formation of a grouping, pursuant to Article 5, and any amendments thereto;
- (b) the number, date and place of registration as well as notice of the termination of that registration;
- (c) the documents and particulars referred to in Article 7 (b) to (j).

The particulars referred to in (a) and (b) must be published in full. The documents and particulars referred to in (c) may be published either in full or in extract form or by means of a reference to their filing at the registry, in accordance with the national legislation applicable.

Article 9

1. The documents and particulars which must be published pursuant to this Regulation may be relied on by a grouping as against third parties under the conditions laid down by the national law applicable pursuant to Article 3 (5) and (7) of Council Directive 68/151/EEC of 9 March 1968 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, with a view to making such safeguards equivalent throughout the Community⁽¹⁾.

2. If activities have been carried on on behalf of a grouping before its registration in accordance with Article 6 and if the grouping does not, after its registration, assume the obligations arising out of such activities, the natural persons, companies, firms or other legal bodies which carried on those activities shall bear unlimited joint and several liability for them.

Article 10

Any grouping establishment situated in a Member State other than that in which the official address is situated shall be registered in that State. For the purpose of such registration, a grouping shall file, at the appropriate registry in that Member State, copies of the documents which must be filed at the registry of the Member State in which the official address is situated, together, if necessary, with a translation which conforms with the practice of the registry where the establishment is registered.

Article 11

Notice that a grouping has been formed or that the liquidation of a grouping has been concluded stating the number, date and place of registration and the date, place and title of publication, shall be given in the *Official Journal of the European Communities* after it has been published in the gazette referred to in Article 39 (1).

Article 12

The official address referred to in the contract for the formation of a grouping must be situated in the Community.

The official address must be fixed either:

- (a) where the grouping has its central administration, or
- (b) where one of the members of the grouping has its central administration or, in the case of a natural person, his principal activity, provided that the grouping carries on an activity there.

⁽¹⁾ OJ No L 65, 14. 3. 1968, p. 8.

Article 13

The official address of a grouping may be transferred within the Community.

When such a transfer does not result in a change in the law applicable pursuant to Article 2, the decision to transfer shall be taken in accordance with the conditions laid down in the contract for the formation of the grouping.

Article 14

1. When the transfer of the official address results in a change in the law applicable pursuant to Article 2, a transfer proposal must be drawn up, filed and published in accordance with the conditions laid down in Articles 7 and 8.

No decision to transfer may be taken for two months after publication of the proposal. Any such decision must be taken by the members of the grouping unanimously. The transfer shall take effect on the date on which the grouping is registered, in accordance with Article 6, at the registry for the new official address. That registration may not be effected until evidence has been produced that the proposal to transfer the official address has been published.

2. The termination of a grouping's registration at the registry for its old official address may not be effected until evidence has been produced that the grouping has been registered at the registry for its new official address.

3. Upon publication of a grouping's new registration the new official address may be relied on as against third parties in accordance with the conditions referred to in Article 9 (1); however, as long as the termination of the grouping's registration at the registry for the old official address has not been published, third parties may continue to rely on the old official address unless the grouping proves that such third parties were aware of the new official address.

4. The laws of a Member State may provide that, as regards groupings registered under Article 6 in that Member State, the transfer of an official address which would result in a change of the law applicable shall not take effect if, within the two-month period referred to in paragraph 1, a competent authority in that Member State opposes it. Such opposition may be based only on grounds of public interest. Review by a judicial authority must be possible.

Article 15

1. Where the law applicable to a grouping by virtue of Article 2 provides for the nullity of that grouping, such nullity must be established or declared by judicial

decision. However, the court to which the matter is referred must, where it is possible for the affairs of the grouping to be put in order, allow time to permit that to be done.

2. The nullity of a grouping shall entail its liquidation in accordance with the conditions laid down in Article 35.

3. A decision establishing or declaring the nullity of a grouping may be relied on as against third parties in accordance with the conditions laid down in Article 9 (1).

Such a decision shall not of itself affect the validity of liabilities, owed by or to a grouping, which originated before it could be relied on as against third parties in accordance with the conditions laid down in the previous subparagraph.

Article 16

1. The organs of a grouping shall be the members acting collectively and the manager or managers.

A contract for the formation of a grouping may provide for other organs; if it does it shall determine their powers.

2. The members of a grouping, acting as a body, may take any decision for the purpose of achieving the objects of the grouping.

Article 17

1. Each member shall have one vote. The contract for the formation of a grouping may, however, give more than one vote to certain members, provided that no one member holds a majority of the votes.

2. A unanimous decision by the members shall be required to:

- (a) alter the objects of a grouping;
- (b) alter the number of votes allotted to each member;
- (c) alter the conditions for the taking of decisions;
- (d) extend the duration of a grouping beyond any period fixed in the contract for the formation of the grouping;
- (e) alter the contribution by every member or by some members to the grouping's financing;
- (f) alter any other obligation of a member, unless otherwise provided by the contract for the formation of the grouping;
- (g) make any alteration to the contract for the formation of the grouping not covered by this paragraph, unless otherwise provided by that contract.

3. Except where this Regulation provides that decisions must be taken unanimously, the contract for the formation of a grouping may prescribe the conditions

for a quorum and for a majority, in accordance with which the decisions, or some of them, shall be taken. Unless otherwise provided for by the contract, decisions shall be taken unanimously.

4. On the initiative of a manager or at the request of a member, the manager or managers must arrange for the members to be consulted so that the latter can take a decision.

Article 18

Each member shall be entitled to obtain information from the manager or managers concerning the grouping's business and to inspect the grouping's books and business records.

Article 19

1. A grouping shall be managed by one or more natural persons appointed in the contract for the formation of the grouping or by decision of the members.

No person may be a manager of a grouping if:

- by virtue of the law applicable to him, or
- by virtue of the internal law of the State in which the grouping has its official address, or
- following a judicial or administrative decision made or recognized in a Member State

he may not belong to the administrative or management body of a company, may not manage an undertaking or may not act as manager of a European Economic Interest Grouping.

2. A Member State may, in the case of groupings registered at their registries pursuant to Article 6, provide that legal persons may be managers on condition that such legal persons designate one or more natural persons, whose particulars shall be the subject of the filing provisions of Article 7 (d) to represent them.

If a Member State exercises this option, it must provide that the representative or representatives shall be liable as if they were themselves managers of the groupings concerned.

The restrictions imposed in paragraph 1 shall also apply to those representatives.

3. The contract for the formation of a grouping or, failing that, a unanimous decision by the members shall determine the conditions for the appointment and removal of the manager or managers and shall lay down their powers.

Article 20

1. Only the manager or, where there are two or more, each of the managers shall represent a grouping in respect of dealings with third parties.

Each of the managers shall bind the grouping as regards third parties when he acts on behalf of the grouping, even where his acts do not fall within the objects of the grouping, unless the grouping proves that the third party knew or could not, under the circumstances, have been unaware that the act fell outside the objects of the grouping; publication of the particulars referred to in Article 5 (c) shall not of itself be proof thereof.

No limitation on the powers of the manager or managers, whether deriving from the contract for the formation of the grouping or from a decision by the members, may be relied on as against third parties even if it is published.

2. The contract for the formation of the grouping may provide that the grouping shall be validly bound only by two or more managers acting jointly. Such a clause may be relied on as against third parties in accordance with the conditions referred to in Article 9 (1) only if it is published in accordance with Article 8.

Article 21

1. The profits resulting from a grouping's activities shall be deemed to be the profits of the members and shall be apportioned among them in the proportions laid down in the contract for the formation of the grouping or, in the absence of any such provision, in equal shares.

2. The members of a grouping shall contribute to the payment of the amount by which expenditure exceeds income in the proportions laid down in the contract for the formation of the grouping or, in the absence of any such provision, in equal shares.

Article 22

1. Any member of a grouping may assign his participation in the grouping, or a proportion thereof, either to another member or to a third party; the assignment shall not take effect without the unanimous authorization of the other members.

2. A member of a grouping may use his participation in the grouping as security only after the other members have given their unanimous authorization, unless otherwise laid down in the contract for the formation of the grouping. The holder of the security may not at any time become a member of the grouping by virtue of that security.

Article 23

No grouping may invite investment by the public.

Article 24

1. The members of a grouping shall have unlimited joint and several liability for its debts and other liabilities of whatever nature. National law shall determine the consequences of such liability.

2. Creditors may not proceed against a member for payment in respect of debts and other liabilities, in accordance with the conditions laid down in paragraph 1, before the liquidation of a grouping is concluded, unless they have first requested the grouping to pay and payment has not been made within an appropriate period.

Article 25

Letters, order forms and similar documents must indicate legibly :

- (a) the name of the grouping preceded or followed either by the words 'European Economic Interest Grouping' or by the initials 'EEIG', unless those words or initials already occur in the name ;
- (b) the location of the registry referred to in Article 6, in which the grouping is registered, together with the number of the grouping's entry at the registry ;
- (c) the grouping's official address ;
- (d) where applicable, that the managers must act jointly ;
- (e) where applicable, that the grouping is in liquidation, pursuant to Articles 15, 31, 32 or 36.

Every establishment of a grouping, when registered in accordance with Article 10, must give the above particulars, together with those relating to its own registration, on the documents referred to in the first paragraph of this Article uttered by it.

Article 26

1. A decision to admit new members shall be taken unanimously by the members of the grouping.

2. Every new member shall be liable, in accordance with the conditions laid down in Article 24, for the grouping's debts and other liabilities, including those arising out of the grouping's activities before his admission.

He may, however, be exempted by a clause in the contract for the formation of the grouping or in the instrument of admission from the payment of debts and other liabilities which originated before his admission. Such a clause may be relied on as against third parties, under the conditions referred to in Article 9 (1), only if it is published in accordance with Article 8.

Article 27

1. A member of a grouping may withdraw in accordance with the conditions laid down in the contract for the formation of a grouping or, in the absence of

such conditions, with the unanimous agreement of the other members.

Any member of a grouping may, in addition, withdraw on just and proper grounds.

2. Any member of a grouping may be expelled for the reasons listed in the contract for the formation of the grouping and, in any case, if he seriously fails in his obligations or if he causes or threatens to cause serious disruption in the operation of the grouping.

Such expulsion may occur only by the decision of a court to which joint application has been made by a majority of the other members, unless otherwise provided by the contract for the formation of a grouping.

Article 28

1. A member of a grouping shall cease to belong to it on death or when he no longer complies with the conditions laid down in Article 4 (1).

In addition, a Member State may provide, for the purposes of its liquidation, winding up, insolvency or cessation of payments laws, that a member shall cease to be a member of any grouping at the moment determined by those laws.

2. In the event of the death of a natural person who is a member of a grouping, no person may become a member in his place except under the conditions laid down in the contract for the formation of the grouping or, failing that, with the unanimous agreement of the remaining members.

Article 29

As soon as a member ceases to belong to a grouping, the manager or managers must inform the other members of that fact ; they must also take the steps required as listed in Articles 7 and 8. In addition, any person concerned may take those steps.

Article 30

Except where the contract for the formation of a grouping provides otherwise and without prejudice to the rights acquired by a person under Articles 22 (1) or 28 (2), a grouping shall continue to exist for the remaining members after a member has ceased to belong to it, in accordance with the conditions laid down in the contract for the formation of the grouping or determined by unanimous decision of the members in question.

Article 31

1. A grouping may be wound up by a decision of its members ordering its winding up. Such a decision shall be taken unanimously, unless otherwise laid down in the contract for the formation of the grouping.

2. A grouping must be wound up by a decision of its members :

- (a) noting the expiry of the period fixed in the contract for the formation of the grouping or the existence of any other cause for winding up provided for in the contract, or
- (b) noting the accomplishment of the grouping's purpose or the impossibility of pursuing it further.

Where, three months after one of the situation referred to in the first subparagraph has occurred, a members' decision establishing the winding up of the grouping has not been taken, any member may petition the court to order winding up.

3. A grouping must also be wound up by a decision of its members or of the remaining member when the conditions laid down in Article 4 (2) are no longer fulfilled.

4. After a grouping has been wound up by decision of its members, the manager or managers must take the steps required as listed in Articles 7 and 8. In addition, any person concerned may take those steps.

Article 32

1. On application by any person concerned or by a competent authority, in the event of the infringement of Articles 3, 12 or 31 (3), the court must order a grouping to be wound up, unless its affairs can be and are put in order before the court has delivered a substantive ruling.

2. On applications by a member, the court may order a grouping to be wound up on just and proper grounds.

3. A Member State may provide that the court may, on application by a competent authority, order the winding up of a grouping which has its official address in the State to which that authority belongs, wherever the grouping acts in contravention of that State's public interest, if the law of that State provides for such a possibility in respect of registered companies or other legal bodies subject to it.

Article 33

When a member ceases to belong to a grouping for any reason other than the assignment of his rights in accordance with the conditions laid down in Article 22 (1), the value of his rights and obligations shall be determined taking into account the assets and liabilities of the grouping as they stand when he ceases to belong to it.

The value of the rights and obligations of a departing member may not be fixed in advance.

Article 34

Without prejudice to Article 37 (1), any member who ceases to belong to a grouping shall remain answerable, in accordance with the conditions laid down in Article 24, for the debts and other liabilities arising out of the grouping's activities before he ceased to be a member.

Article 35

1. The winding up of a grouping shall entail its liquidation.

2. The liquidation of a grouping and the conclusion of its liquidation shall be governed by national law.

3. A grouping shall retain its capacity, within the meaning of Article 1 (2), until its liquidation is concluded.

4. The liquidator or liquidators shall take the steps required as listed in Articles 7 and 8.

Article 36

Groupings shall be subject to national laws governing insolvency and cessation of payments. The commencement of proceedings against a grouping on grounds of its insolvency or cessation of payments shall not by itself cause the commencement of such proceedings against its members.

Article 37

1. A period of limitation of five years after the publication, pursuant to Article 8, of notice of a member's ceasing to belong to a grouping shall be substituted for any longer period which may be laid down by the relevant national law for actions against that member in connection with debts and other liabilities arising out of the grouping's activities before he ceased to be a member.

2. A period of limitation of five years after the publication, pursuant to Article 8, of notice of the conclusion of the liquidation of a grouping shall be substituted for any longer period which may be laid down by the relevant national law for actions against a member of the grouping in connection with debts and other liabilities arising out of the grouping's activities.

Article 38

Where a grouping carries on any activity in a Member State in contravention of that State's public interest, a competent authority of that State may prohibit that activity. Review of that competent authority's decision by a judicial authority shall be possible.

Article 39

1. The Member States shall designate the registry or registries responsible for effecting the registration referred to in Articles 6 and 10 and shall lay down the rules governing registration. They shall prescribe the conditions under which the documents referred to in Articles 7 and 10 shall be filed. They shall ensure that the documents and particulars referred to in Article 8 are published in the appropriate official gazette of the Member State in which the grouping has its official address, and may prescribe the manner of publication of the documents and particulars referred to in Article 8 (c).

The Member States shall also ensure that anyone may, at the appropriate registry pursuant to Article 6 or, where appropriate, Article 10, inspect the documents referred to in Article 7 and obtain, even by post, full or partial copies thereof.

The Member States may provide for the payment of fees in connection with the operations referred to in the preceding subparagraphs; those fees may not, however, exceed the administrative cost thereof.

2. The Member States shall ensure that the information to be published in the *Official Journal of the European Communities* pursuant to Article 11 is forwarded to the Office for Official Publications of the European Communities within one month of its publication in the official gazette referred to in paragraph 1.

3. The Member States shall provide for appropriate penalties in the event of failure to comply with the provisions of Articles 7, 8 and 10 on disclosure and in the event of failure to comply with Article 25.

Article 40

The profits or losses resulting from the activities of a grouping shall be taxable only in the hands of its members.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 July 1985.

Article 41

1. The Member States shall take the measures required by virtue of Article 39 before 1 July 1989. They shall immediately communicate them to the Commission.

2. For information purposes, the Member States shall inform the Commission of the classes of natural persons, companies, firms and other legal bodies which they prohibit from participating in groupings pursuant to Article 4 (4). The Commission shall inform the other Member States.

Article 42

1. Upon the adoption of this Regulation, a Contact Committee shall be set up under the auspices of the Commission. Its function shall be :

- (a) to facilitate, without prejudice to Articles 169 and 170 of the Treaty, application of this Regulation through regular consultation dealing in particular with practical problems arising in connection with its application ;
- (b) to advise the Commission, if necessary, on additions or amendments to this Regulation.

2. The Contact Committee shall be composed of representatives of the Member States and representatives of the Commission. The chairman shall be a representative of the Commission. The Commission shall provide the secretariat.

3. The Contact Committee shall be convened by its chairman either on his own initiative or at the request of one of its members.

Article 43

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 July 1989, with the exception of Articles 39, 41 and 42 which shall apply as from the entry into force of the Regulation.

For the Council

The President

J. POOS

COUNCIL REGULATION (EEC) No 2138/85

of 25 July 1985

opening, allocating and providing for the administration of a Community tariff quota for deep-frozen fillets of Alaska pollack falling within subheading ex 03.01

B II b) 14 of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof,

Whereas Community supplies of deep-frozen fillets of Alaska pollack (*Theragra chalcogramma*) currently depend on imports from third countries; whereas it is in the Community's interest to suspend partially the Common Customs Tariff duty for the product in question, within the Community tariff quota of an appropriate volume for a relatively limited period; whereas, in order not to call into question the development prospects of this production in the Community while ensuring an adequate supply to satisfy user industries, it is advisable to open this tariff quota for the product concerned for the period until 31 December 1985 at a duty rate of 8 % and to fix the volume thereof at 3 550 tonnes;

Whereas, in particular, equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied consistently to all imports until the quota is exhausted; whereas, in the light of these principles, arrangements for the utilization of the tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, to correspond as closely as possible to the actual trend in the market in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistics of imports from third countries during a representative reference period and to the economic outlook for the quota period in question;

Whereas in the case in point there are no statistical data broken down by quality of products in question; whereas the quota is an autonomous Community tariff quota intended to cover import needs arising in the Community, the quota volume may be allocated on the basis of the temporary import needs from third countries expressed by each of the Member States; whereas these arrangements for allocation will equally ensure the uniform application of the Common Customs Tariff;

Whereas, to take account of possible import trends for the product concerned, the quota volume should be divided into two instalments, the first being allocated between certain Member States and the second held as a reserve to meet subsequent requirements of Member States which have used up their initial shares and any additional requirements which might arise in the other Member States; whereas, to give importers of the Member States some degree of certainty, the first instalment of the tariff quota should be fixed at a relatively high level, which in this case could be 3 250 tonnes;

Whereas initial shares may be used up at different rates; whereas, to avoid disruption of supplies on this account, it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas, each time its additional share is almost used up, a Member State should draw a further share, and so on as many times as the reserve allows; whereas the initial and additional shares be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, which latter must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From the date on which this Regulation enters into force until 31 December 1985, the Common Customs Tariff duty for deep-frozen fillets of Alaska pollack (*Theragra chalcogramma*), falling within subheading ex 03.01 B II b) 14, shall be suspended at a level of 8 % within the limit of a Community tariff quota of 3 550 tonnes.

2. Within the limits of this tariff quota, the Hellenic Republic shall apply customs duties calculated in accordance with the relevant provisions in the 1979 Act of Accession.

Article 2

1. A first instalment of 3 250 tonnes of this Community tariff quota shall be allocated among certain Member States; the shares, which shall be valid until 31 December 1985, shall amount to the following quantities for each of these Member States:

	(tonnes)
Germany	3 000
United Kingdom	250

2. The second instalment of 300 tonnes shall constitute the reserve.

3. If an importer gives notification of an imminent importation of the product in question in a Member State and requests the benefit of the quota, the Member States concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the reserve permits this.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (1), it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 5 % of its initial share rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 2,5 % of its initial share rounded up as necessary to the next whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1985.

Article 5

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the notification reaches it, inform each Member State of the extent to which the reserve has been used up.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 6

1. Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their aggregate shares of the Community tariff quota.

2. Member States shall ensure that importers of the product in question have free access to the shares allotted to them.

3. Member States shall charge imports of the product in question against their shares as the product is entered with the customs authorities for free circulation.

4. The extent to which Member States have used up their shares shall be determined on the basis of imports charged against them under the conditions set out in paragraph 3.

Article 7

At the Commission's request, the Member States shall inform it of imports actually charged against their shares.

Article 8

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 9

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 July 1985.

For the Council

The President

J. POOS

COUNCIL REGULATION (EEC) No 2139/85

of 25 July 1985

amending Regulation (EEC) No 3247/81 on the financing by the European Agricultural Guidance and Guarantee Fund, Guarantee Section, of certain intervention measures, particularly those involving the buying in, storage and sale of agricultural products by intervention agencies

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1883/78 of 2 August 1978 laying down general rules
for the financing of interventions by the European
Agricultural Guidance and Guarantee Fund, Guarantee
Section⁽¹⁾, as last amended by Regulation (EEC) No
1716/84⁽²⁾, and in particular Article 4 (3) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EEC) No 3247/81⁽³⁾, as last
amended by Regulation (EEC) No 1717/84⁽⁴⁾, lays
down the rules and conditions governing the annual
accounts which serve to ascertain the expenditure to
be financed by the Guarantee Section of the EAGGF
in respect of intervention measures for which a
specific unit rate has not been fixed under a common
organization of the market;

Whereas it is planned to grant Member States the
option of shortening the period elapsing before
payment is made to small producers for butter and

cereals bought in by intervention during the 1985/86
marketing year;

Whereas the additional costs that exercising this
option entails, should Member States avail themselves
of it, should not fall to the EAGGF,

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 7a is hereby inserted in Regula-
tion (EEC) No 3247/81:

Article 7a

Where Community rules grant Member States the
option of shortening the period elapsing before
payment is made for butter and cereals from small
producers bought in by intervention, the interest
costs arising from use of this option in respect of
the 1985/86 marketing year shall not be entered in
the annual accounts that are the subject of Article
1 of this Regulation.'

Article 2

This Regulation shall enter into force on the third day
following its publication in the *Official Journal of the
European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 25 July 1985.

For the Council

The President

J. POOS

⁽¹⁾ OJ No L 216, 5. 8. 1978, p. 1.

⁽²⁾ OJ No L 163, 21. 6. 1984, p. 1.

⁽³⁾ OJ No L 327, 14. 11. 1981, p. 1.

⁽⁴⁾ OJ No L 163, 21. 6. 1984, p. 8.

COUNCIL REGULATION (EEC) No 2140/85

of 25 July 1985

on the conclusion of the Agreement in the form of an exchange of letters between the European Economic Community and the Portuguese Republic regarding prepared or preserved tomatoes falling within subheading 20.02 C of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas it is necessary to conclude the Agreement in the form of an exchange of letters between the European Economic Community and the Portuguese Republic regarding prepared or preserved tomatoes falling within subheading 20.02 C of the Common Customs Tariff,

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement in the form of an exchange of letters between the European Economic Community and the

Portuguese Republic regarding prepared or preserved tomatoes falling within subheading 20.02 C of the Common Customs Tariff is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Regulation.

Article 2

The President of the Council is hereby authorized to appoint the person empowered to sign the Agreement for the purpose of binding the Community.

Article 3

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 July 1985.

For the Council

The President

J. POOS

AGREEMENT

in the form of an exchange of letters between the European Economic Community and the Portuguese Republic regarding prepared or preserved tomatoes falling within subheading 20.02 C of the Common Customs Tariff

Letter No 1

Brussels,

Sir,

I have the honour to refer to Article 3 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic signed on 22 July 1972 and the exchange of letters of 5 December 1975.

I have the honour to inform you that for 1985 the Community is ready to renew the volume agreed for the preceding year. Accordingly, the Portuguese Government undertakes to adopt the necessary measures in order that the quantities of tomatoes that have been prepared or preserved otherwise than by vinegar or acetic acid, falling within subheading 20.02 C of the Common Customs Tariff and supplied to the Community in 1985, do not exceed 90 000 tonnes.

I should be grateful if you would kindly confirm the agreement of your Government to the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

Letter No 2

Brussels,

Sir,

I have the honour to acknowledge receipt of your letter of today's date worded as follows :

'I have the honour to refer to Article 3 of Protocol 8 to the Agreement between the European Economic Community and the Portuguese Republic signed on 22 July 1972 and to the exchange of letters of 5 December 1975.

I have the honour to inform you that for 1985 the Community is ready to renew the volume agreed for the preceding year. Accordingly, the Portuguese Government undertakes to adopt the necessary measures in order that the quantities of tomatoes that have been prepared or preserved otherwise than by vinegar or acetic acid, falling within subheading 20.02 C of the Common Customs Tariff and supplied to the Community in 1985, do not exceed 90 000 tonnes.

I should be grateful if you would kindly confirm the agreement of your Government to the contents of this letter'.

I have the honour to confirm the agreement of my Government with the contents of that letter.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Portuguese Republic*

COMMISSION REGULATION (EEC) No 2141/85

of 30 July 1985

fixing the import levies on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2727/75 of 29 October 1975 on the common organi-
zation of the market in cereals ⁽¹⁾, as last amended by
Regulation (EEC) No 1018/84 ⁽²⁾, and in particular
Article 13 (5) thereof,

Having regard to Council Regulation No 129 on the
value of the unit of account and the exchange rates to
be applied for the purposes of the common agricul-
tural policy ⁽³⁾, as last amended by Regulation (EEC)
No 2543/73 ⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary
Committee,

Whereas the import levies on cereals, wheat and rye
flour, and wheat groats and meal were fixed by Regula-
tion (EEC) No 3131/84 ⁽⁵⁾ and subsequent amending
Regulations ;

Whereas the 1985/86 marketing year for durum wheat
begins on 1 July 1985 ; whereas the Council has not,
to date, adopted the prices for this marketing year in
respect of this product ; whereas the Commission, in
compliance with the tasks entrusted to it by the
Treaty, is obliged to adopt the precautionary measures
essential to ensure continuity of operation of the
common agricultural policy as regards durum wheat ;

Whereas, in order to ensure continuity of operation of
the import arrangements for durum wheat and for
durum wheat groats and meal, a price equal to the
threshold price fixed for the 1984/85 marketing year
and applicable as from 1 July 1984 should be taken
into account in calculating the levies, namely 352,67
ECU per tonne for durum wheat, and 547,09 ECU per

tonne for durum wheat groats and meal ; whereas
these prices shall be adjusted as from 1 August 1985
by the same amounts as the monthly increments fixed
by Regulation (EEC) No 1020/84 ⁽⁶⁾ ;

Whereas, if the levy system is to operate normally,
levies should be calculated on the following basis :

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, multiplied by the coefficient
provided for in Article 2b (2) of Regulation (EEC)
No 974/71 ⁽⁷⁾, as last amended by Regulation (EEC)
No 855/84 ⁽⁸⁾,
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded for a given period in
relation to the Community currencies referred to
in the previous indent, and the aforesaid coeffi-
cient ;

Whereas these exchange rates being those recorded on
29 July 1985 ;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 3131/84 to today's
offer prices and quotations known to the Commission
that the levies at present in force should be altered to
the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on products listed in
Article 1 (a), (b) and (c) of Regulation (EEC) No
2727/75 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 July 1985.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 293, 10. 11. 1984, p. 1.

⁽⁶⁾ OJ No L 107, 19. 4. 1984, p. 6.

⁽⁷⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁸⁾ OJ No L 90, 1. 4. 1984, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

ANNEX

to the Commission Regulation of 30 July 1985 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)		
CCT heading No	Description	Levies
10.01 B I	Common wheat, and meslin	134,00
10.01 B II	Durum wheat	156,81 ⁽¹⁾ ⁽²⁾
10.02	Rye	134,89 ⁽⁶⁾
10.03	Barley	131,61
10.04	Oats	108,21
10.05 B	Maize, other than hybrid maize for sowing	112,28 ⁽²⁾ ⁽³⁾
10.07 A	Buckwheat	0
10.07 B	Millet	81,70 ⁽⁴⁾
10.07 C	Grain sorghum	133,74 ⁽⁴⁾
10.07 D I	Triticale	⁽⁷⁾
10.07 D II	Canary seed; other cereals	0 ⁽⁵⁾
11.01 A	Wheat or meslin flour	203,42
11.01 B	Rye flour	204,67
11.02 A I a)	Durum wheat groats and meal	256,06
11.02 A I b)	Common wheat groats and meal	216,59

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 486/85 the levies are not applied to imports into the French overseas departments of products originating in the African, Caribbean and Pacific States or in the 'overseas countries and territories'.

⁽³⁾ Where maize originating in the ACP or OCT is imported into the Community the levy is reduced by 1,81 ECU/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP or OCT is imported into the Community the levy is reduced by 50 %.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by 0,60 ECU/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 and Commission Regulation (EEC) No 2622/71.

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within subheading 10.07 D I (triticale).

COMMISSION REGULATION (EEC) No 2142/85

of 30 July 1985

fixing the premiums to be added to the import levies on cereals, flour and malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 15 (6) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EEC) No 2543/73⁽⁴⁾, and in particular Article 3 thereof,

Having regard to the opinion of the Monetary Committee,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Regulation (EEC) No 2222/84⁽⁵⁾ and subsequent amending Regulations;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC)

No 974/71⁽⁶⁾, as last amended by Regulation (EEC) No 855/84⁽⁷⁾,

- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 29 July 1985;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums referred to in Article 15 of Regulation (EEC) No 2727/75 to be added to the import levies fixed in advance in respect of cereals and malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 July 1985.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.

⁽³⁾ OJ No 106, 30. 10. 1962, p. 2553/62.

⁽⁴⁾ OJ No L 263, 19. 9. 1973, p. 1.

⁽⁵⁾ OJ No L 205, 1. 8. 1984, p. 4.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

ANNEX

to the Commission Regulation of 30 July 1985 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)					
CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10
10.01 B I	Common wheat, and meslin	0	0	0	0
10.01 B II	Durum wheat	0	0	0	3,69
10.02	Rye	0	0	0	0
10.03	Barley	0	0	0	0
10.04	Oats	0	0	0	0
10.05 B	Maize, other than hybrid maize for sowing	0	0	0	4,93
10.07 A	Buckwheat	0	0	0	0
10.07 B	Millet	0	0	0	0
10.07 C	Grain sorghum	0	0	0	0
10.07 D	Other cereals	0	0	0	0
11.01 A	Wheat or meslin flour	0	0	0	0

B. Malt

(ECU/tonne)						
CCT heading No	Description	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11
11.07 A I (a)	Unroasted malt, obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A I (b)	Unroasted malt, obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 A II (a)	Unroasted malt, other than that obtained from wheat, in the form of flour	0	0	0	0	0
11.07 A II (b)	Unroasted malt, other than that obtained from wheat, other than in the form of flour	0	0	0	0	0
11.07 B	Roasted malt	0	0	0	0	0

COMMISSION DECISION No 2143/85/ECSC

of 29 July 1985

amending for the fourth time Decision No 3715/83/ECSC fixing minimum prices for certain steel products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3715/83/ECSC of 23 December 1983 fixing minimum prices for certain steel products ⁽¹⁾ as last amended by Decision No 811/85/ECSC ⁽²⁾ and in particular Article 1 thereof,

Whereas :

Article 1 (5) of Decision No 3715/83/ECSC obliges the Commission to adjust minimum prices in accordance with official variations in exchange rates in order to maintain a uniform level of minimum prices within the common market ;

On 20 July 1985 the central rates for currencies which form part of the European Monetary System (EMS) were modified to take account of the devaluation of the lire ;

The new central rate for the lira represents a drop in value of 7,7 % by comparison with the previous rate of 17 May 1983 ; it is therefore appropriate to adjust correspondingly the minimum prices calculated in lire ;

Since the central rates of other currencies of the EMS have not moved significantly they need not be taken into account,

HAS ADOPTED THIS DECISION :

Article 1

In Article 1 (2) of Decision No 3715/83/ECSC the rate of lit 1373,03 is replaced by the rate of lit 1487,60.

Article 2

Minimum prices resulting from the implementation of this Decision shall be compulsory for deliveries effected within the common market as from 1 August 1985.

Article 3

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

This Decision shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 July 1985.

For the Commission

Karl-Heinz NARJES

Vice-President

⁽¹⁾ OJ No L 373, 31. 12. 1983, p. 1.

⁽²⁾ OJ No L 89, 29. 3. 1985, p. 34.

COMMISSION REGULATION (EEC) No 2144/85

of 30 July 1985

specifying the extent to which applications lodged in July 1985 for import licences in respect of young male bovine animals for fattening may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 13 (4) (a) thereof,

Whereas Commission Regulation (EEC) No 845/85 ⁽²⁾ fixed the quantity of young male bovine animals which may be imported on special terms during the third quarter of 1985; whereas, having regard to the applications for import licences lodged by each of the categories of applicants referred to in that Regulation, such licences should be issued as provided below;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for young male bovine animals for fattening, in respect of which applications were lodged between 1 and 10 July 1985 shall be issued as follows:

1. The quantities requested in Italy:

- (a) for animals of 220 to 300 kilograms *per capita* live weight coming from Yugoslavia;
 - (aa) by agricultural producers or their organizations shall be reduced by 96,534 %;
 - (bb) by other applicants shall be reduced by 97,167 %;
- (b) for animals of up to 300 kilograms *per capita* live weight coming from other non-member countries;
 - (aa) by agricultural producers or their organizations shall be reduced by 95,000 %;
 - (bb) by other applicants shall be reduced by 98,489 %.

2. The quantities requested in Greece:

- (a) for animals of 220 to 300 kilograms *per capita* live weight coming from Yugoslavia:
 - (aa) by agricultural producers or their organizations shall be reduced by 96,663 %;
 - (bb) by other applicants shall be reduced by 87,952 %;
- (b) for animals of up to 300 kilograms *per capita* live weight coming from other non-member countries;
 - (aa) by agricultural producers or their organizations shall be reduced by 91,103 %;
 - (bb) by other applicants shall be reduced by 88,086 %.

Article 2

This Regulation shall enter into force on 31 July 1985.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 91, 30. 3. 1985, p. 47.

COMMISSION REGULATION (EEC) No 2145/85**of 30 July 1985****determining the extent to which applications lodged in July 1985 for the issue of import licences in respect of frozen beef intended for processing may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by the Act of Accession of Greece, and in particular Article 14 (4) (a) thereof,

Whereas Commission Regulation (EEC) No 846/85 ⁽²⁾ fixed the quantity of frozen beef intended for processing which may be imported under special terms in the second quarter of 1985;

Whereas Article 15 (6) (a) of Commission Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EEC) No 552/85 ⁽⁴⁾, lays down that the quantities applied for may be reduced; whereas, the applications lodged, in conformity with the conditions of Commission Regulation (EEC) No 1136/79 ⁽⁵⁾, as last amended by Regulation (EEC) No 410/84 ⁽⁶⁾, relate to total quantities which far exceed the quantities available in accordance with Article 1 of Regulation (EEC) No 846/85; whereas, under these circumstances and taking care to ensure an equitable distribution of the available quantities, it is appropriate, for the system referred to in Article 14 (1) (a) of Regulation (EEC) No

805/68, to reduce proportionally the quantities applied for;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. Every application for an import licence lodged in accordance with Regulation (EEC) No 1136/79 for the quarter beginning 1 July 1985 shall be granted to the following extent, expressed as bone-in beef:

- (a) 3,355 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 2 (5) of Regulation (EEC) No 1136/79;
- (b) 100 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 2 (6) of Regulation (EEC) No 1136/79.

2. In conformity with Article 15 (3) of Regulation (EEC) No 2377/80, all applications from any one applicant shall be regarded as a single application.

Article 2

This Regulation shall enter into force on 31 July 1985.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 91, 30. 3. 1985, p. 50.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 63, 2. 3. 1985, p. 13.

⁽⁵⁾ OJ No L 141, 9. 6. 1979, p. 10.

⁽⁶⁾ OJ No L 48, 18. 2. 1984, p. 11.

COMMISSION REGULATION (EEC) No 2146/85

of 30 July 1985

on the sale at a price fixed in advance of unprocessed currants from the 1984
harvest held by Greek storage agencies

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 516/77
of 14 March 1977 on the common organization of the
market in products processed from fruit and vege-
tables⁽¹⁾, as last amended by Regulation (EEC) No
746/85⁽²⁾, and in particular Article 4 (8) thereof,

Having regard to Council Regulation (EEC) No
1277/84 of 8 May 1984 laying down general rules for
the system of production aid for processed fruit and
vegetables⁽³⁾, and in particular Article 6 (1) thereof,

Whereas the Greek storage agencies have, pursuant to
Commission Regulation (EEC) No 626/85 of 12 March
1985 on the purchasing, selling and storage of unpro-
cessed dried grapes and figs by storage agencies⁽⁴⁾,
purchased unprocessed currants from the 1984
harvest; whereas in the light of the situation on the
market in dried grapes the currants should be offered
for sale at prices fixed in advance for processing within
the Community for consumption; whereas the selling
shall take place in accordance with the provisions of
Regulation (EEC) No 626/85;

Whereas when fixing the sale price it must be taken
into consideration that the products are no longer
eligible for production aid;

Whereas the processing security provided for in
Article 6 (1) of Regulation (EEC) No 626/85 shall be
fixed at such a level that any abuse can be avoided;

Whereas the measures provided for in this Regulation
are in accordance with the opinion of the Management
Committee for Products Processed from Fruit and
Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Greek storage agencies listed in Annex I
shall undertake the sale of unprocessed currants from
the 1984 harvest, the qualities and prices of which are
stated in Annex II.
2. Applications to purchase shall be submitted in
writing to each storage agency in question at the head-
quarters of Idagep, 241 Acharnon Street, GR-Athens.
3. Information on the quantities and the places
where the products are stored may be obtained by
those concerned from the addresses given in Annex I.

Article 2

The processing security provided for in Article 6 (1) of
Regulation (EEC) No 626/85 shall be 20 ECU per 100
kilograms net.

Article 3

This Regulation shall enter into force on 1 September
1985.

This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.
⁽²⁾ OJ No L 81, 23. 3. 1985, p. 10.
⁽³⁾ OJ No L 123, 9. 5. 1984, p. 25.
⁽⁴⁾ OJ No L 72, 13. 3. 1985, p. 7.

*ANNEX I***List of storage agencies referred to in Article 1 of this Regulation****CURRENTS**

1. ASO, Mezonos 241, Patra, Greece
2. Panegialios Enosis Sineterismon, Egion, Greece
3. Enosis Georgicon Sineterismon Zakynthou, Zakynthos, Greece
4. Enosis Georgicon Sineterismon, Olympia Ilias, Pyrgos, Greece.

*ANNEX II***Qualities and prices of the unprocessed currents from the 1984 harvest referred to in Article 1**

	<i>ECU/100 kg</i>
Current 'Shade', Eghion region	61,81
Current, 'Select Sun', Eghion region	60,50
Current 'Shade', Corinth region	60,06
Current, 'Select Sun', Corinth region	58,29
Current, 'Regular', Eghion region	57,45
Current, 'Select Sun', from Patras, the Ionian islands, the Prefecture of Ilias, Triphlias	56,66
Current, 'Regular', Corinth region	56,66
Current, 'Select Sun', remainder of Messenia	55,79
Current, 'Regular', from Patras, the Ionian islands, the Prefecture of Ilias, Triphlias	54,92
Current, 'Regular', remainder of Messenia	54,05
Current, 'Regular', other origins	49,43

COMMISSION REGULATION (EEC) No 2147/85

of 30 July 1985

fixing for the 1985/86 marketing year the minimum price to be paid to producers for unprocessed dried grapes and the amount of production aid for dried grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 746/85⁽²⁾, and in particular Articles 3b and 3c thereof,

Whereas Council Regulation (EEC) No 1227/84 of 8 May 1984 laying down general rules for the system of production aid for processed fruit and vegetables⁽³⁾ contains provisions concerning the methods for determining the production aid;

Whereas, under Article 3b (1) of Regulation (EEC) No 516/77, the minimum price to be paid to producers is to be determined on the basis of:

- (a) the minimum price applying during the previous marketing year;
- (b) the movement of basic prices in the fruit and vegetables sector;
- (c) the need to ensure the normal marketing of fresh products for the various uses;

Whereas Article 3c of the said Regulation lays down the criteria for fixing the amount of production aid; whereas in respect of dried grapes a minimum import price is fixed pursuant to Article 4a of the same Regulation; whereas the production aid for those products is calculated by reference to the minimum import price;

Whereas Article 3b (2) of Regulation (EEC) No 516/77 provides that the minimum price to be paid to producers for unprocessed dried grapes shall be increased each month during a certain period of the marketing year by an amount corresponding to storage costs; whereas in fixing that amount technical storage cost should be taken into consideration;

Whereas Council Regulation (EEC) No 1321/85 of 23 May 1985 derogating from Regulation (EEC) No 989/84 concerning the application of the guarantee

threshold for currants for the 1985/86 marketing year⁽⁴⁾ provides that the minimum price to be paid to producers of currants shall be reduced by 3 % for the 1985/86 marketing year; whereas that objective can be achieved by multiplying the minimum price applicable to a given category of currants by a coefficient;

Whereas in order to ensure a smooth transition from the marketing year 1984/85 to that of 1985/86, a reasonable price relationship should be maintained for currants; whereas to that end the reduction of the minimum price to be paid to producers should result in a similar reduction of the production aid;

Whereas the reduction of the minimum price to be paid to the producer should also be reflected in the increment of that price during the marketing year;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1985/86 marketing year:

- (a) the minimum price referred to in Article 3b of Regulation (EEC) No 516/77 to be paid to producers for unprocessed dried sultanas of category 4, and
- (b) the production aid referred to in Article 3c of the same Regulation for dried sultanas of category 4

shall be as set out in the Annex.

Article 2

In respect of currants:

- (a) the minimum price set out in the Annex shall be multiplied by the coefficient 0,97 and by those listed in Annex I to Commission Regulation (EEC) No 2347/84⁽⁵⁾, and
- (b) the production aid set out in the Annex shall be reduced by 4,70 ECU per 100 kilograms net.

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 81, 23. 3. 1985, p. 10.

⁽³⁾ OJ No L 123, 9. 5. 1984, p. 25.

⁽⁴⁾ OJ No L 137, 27. 5. 1985, p. 43.

⁽⁵⁾ OJ No L 219, 16. 8. 1984, p. 1.

Article 3

For the marketing year 1985/86 the amount by which the minimum price for unprocessed dried grapes is to be increased on the first of each month for the period 1 November to 1 August is hereby fixed at 1,557 ECU per 100 kilograms net of sultanas of category 4.

For other categories of sultanas and for currants the amount shall be multiplied by the coefficient appli-

cable to the minimum price listed in Annex I to Regulation (EEC) No 2347/84. In addition, the amounts applicable to currants shall be multiplied by the coefficient 0,97.

Article 4

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

*ANNEX***I. Minimum price to be paid to the producers**

Product	ECU per 100 kilograms ex producer
Unprocessed sultanas of category 4	133,17

II. Production aid

Product	ECU per 100 kilograms net
Dried sultanas of category 4	66,03

COMMISSION REGULATION (EEC) No 2148/85

of 30 July 1985

extending the period of storage of certain quantities of dried figs and dried grapes, held by storage agencies from the 1982 and 1983 harvests

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 516/77 of 14 March 1977 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 746/85⁽²⁾,

Having regard to Council Regulation (EEC) No 2194/81 of 27 July 1981 laying down the general rules for the system of production aid for dried figs and dried grapes⁽³⁾, as last amended by Regulation (EEC) No 2057/84⁽⁴⁾, and in particular Articles 10 (1) and 14 thereof,

Whereas Article 10 of Regulation (EEC) No 2194/81 provides for the granting of storage aid to storage agencies for the quantities of dried figs and dried grapes which they have purchased under the contracts provided for in that Regulation for the duration of storage of the fruit in question, which is not extend beyond the end of the marketing year; whereas, however, it is stipulated in that Article that where the market situation so requires extension of the storage of certain quantities may be authorized;

Whereas for dried figs and grapes from the 1982/83 and 1983/84 marketing year the storage period has been extended until the end of the 1984/85 marketing year by Commission Regulation (EEC) No 2194/84⁽⁵⁾; and Regulation (EEC) No 3360/83⁽⁶⁾, as last amended by Regulation (EEC) No 2195/84⁽⁷⁾; whereas Council Regulation (EEC) No 1603/83⁽⁸⁾ lays down special measures for the disposal of those products; whereas the period of storage should be extended until the products are disposed of;

Whereas a storage aid is applicable for the products stored;

Whereas this aid takes account of interest cost in connection with the purchase of the products; whereas the aids should therefore be maintained during the extended storage period;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The period of storage for the quantities of dried figs and dried grapes purchased during the marketing years 1982/83 and 1983/84 by storage agencies pursuant to Article 3 of Regulation (EEC) No 2194/81 and still held by them shall be extended until they are disposed of in accordance with the provisions of Regulation (EEC) No 1603/83.

Article 2

The storage aid set:

- (a) in Article 2 of Regulation (EEC) No 362/85⁽⁹⁾ for dried grapes from the 1982/83 marketing year
- (b) in Article 3 of Regulation (EEC) No 581/85⁽¹⁰⁾ for dried grapes from the 1983/84 marketing year and
- (c) in Article 4 of Regulation (EEC) No 3249/83⁽¹¹⁾ for dried figs from the 1983/84 marketing year

shall be granted to storage agencies for the actual duration of storage of the respective products.

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 73, 21. 3. 1977, p. 1.

⁽²⁾ OJ No L 81, 23. 3. 1985, p. 10.

⁽³⁾ OJ No L 214, 1. 8. 1981, p. 1.

⁽⁴⁾ OJ No L 191, 19. 7. 1984, p. 4.

⁽⁵⁾ OJ No L 199, 28. 7. 1984, p. 35.

⁽⁶⁾ OJ No L 335, 30. 11. 1985, p. 28.

⁽⁷⁾ OJ No L 199, 28. 7. 1984, p. 36.

⁽⁸⁾ OJ No L 159, 17. 6. 1983, p. 5.

⁽⁹⁾ OJ No L 42, 13. 2. 1985, p. 18.

⁽¹⁰⁾ OJ No L 67, 7. 3. 1985, p. 15.

⁽¹¹⁾ OJ No L 321, 18. 11. 1983, p. 16.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2149/85

of 30 July 1985

re-establishing the levying of customs duties on footwear with outer soles and uppers of rubber or artificial plastic material falling within heading No 64.01 originating in Malaysia to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3562/84 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3562/84 of 18 December 1984 applying generalized tariff preferences for 1985 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas, pursuant to Articles 1 and 10 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III, other than those in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I; whereas, as provided for in Article 11 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of footwear with outer soles and uppers of rubber or artificial plastic material falling within heading No 64.01 the individual ceiling was fixed at 519 000 ECU; whereas, on 18 June 1985, imports of these products into the Community, originating in Malaysia reached that ceiling after being charged thereagainst;

Whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Malaysia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 3 August 1985, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3562/84, shall be re-established on imports into the Community of the following products originating in Malaysia:

CCT heading No	Description
64.01 (NIMEXE codes 64.01 all numbers)	Footwear with outer soles and uppers of rubber or artificial plastic material

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 338, 27. 12. 1984, p. 1.

COMMISSION REGULATION (EEC) No 2150/85

of 30 July 1985

re-establishing the levying of customs duties on polyethylene falling within subheading 39.02 C I originating in Saudi Arabia to which the preferential tariff arrangements set out in Council Regulation (EEC) No 3562/84 apply

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3562/84 of 18 December 1984 applying generalized tariff preferences for 1985 in respect of certain industrial products originating in developing countries⁽¹⁾, and in particular Article 13 thereof,

Whereas, pursuant to Articles 1 and 10 of that Regulation, suspension of customs duties shall be accorded to each of the countries or territories listed in Annex III, other than those in column 4 of Annex I, within the framework of the preferential tariff ceiling fixed in column 9 of Annex I; whereas, as provided for in Article 11 of that Regulation, as soon as the individual ceilings in question are reached at Community level, the levying of customs duties on imports of the products in question originating in each of the countries and territories concerned may at any time be re-established;

Whereas, in the case of polyethylene falling within subheading 39.02 C I the individual ceiling was fixed at 6 103 400 ECU; whereas, on 17 July 1985, imports of these products into the Community, originating in Saudi Arabia reached that ceiling after being charged thereagainst;

Whereas, it is appropriate to re-establish the levying of customs duties in respect of the products in question against Saudi Arabia,

HAS ADOPTED THIS REGULATION:

Article 1

As from 3 August 1985, the levying of customs duties, suspended pursuant to Council Regulation (EEC) No 3562/84, shall be re-established on imports into the Community of the following products originating in Saudi Arabia:

CCT heading No	Description
39.02 C I (NIMEXE codes 39.02-03 bis 13)	Polyethylene

Article 2

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 338, 27. 12. 1984, p. 1.

COMMISSION REGULATION (EEC) No 2151/85
of 30 July 1985
fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 804/68
of 27 June 1968 on the common organization of the
market in milk and milk products ⁽¹⁾, as last amended
by Regulation (EEC) No 1298/85 ⁽²⁾, and in particular
Article 14 (8) thereof,

Whereas the import levies on milk and milk products
were fixed by Regulation (EEC) No 1935/85 ⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1935/85 to the
prices known to the Commission that the levies at

present in force should be altered to the amounts set
out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 14 (2) of Regu-
lation (EEC) No 804/68 shall be as set out in the
Annex hereto.

Article 2

This Regulation shall enter into force on 1 August
1985.

This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESSEN

Vice-President

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13

⁽²⁾ OJ No L 137, 27. 5. 1985, p. 5.

⁽³⁾ OJ No L 181, 13. 7. 1985, p. 8.

ANNEX

to the Commission Regulation of 30 July 1985 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CCT heading No	Code	Import levy
04.01 A I a)	0110	27,94
04.01 A I b)	0120	25,53
04.01 A II a) 1	0130	25,53
04.01 A II a) 2	0140	31,25
04.01 A II b) 1	0150	24,32
04.01 A II b) 2	0160	30,04
04.01 B I	0200	62,45
04.01 B II	0300	132,10
04.01 B III	0400	204,16
04.02 A I	0500	19,44
04.02 A II a) 1	0620	128,74
04.02 A II a) 2	0720	176,16
04.02 A II a) 3	0820	178,58
04.02 A II a) 4	0920	245,00
04.02 A II b) 1	1020	121,49
04.02 A II b) 2	1120	168,91
04.02 A II b) 3	1220	171,33
04.02 A II b) 4	1320	237,75
04.02 A III a) 1	1420	27,57
04.02 A III a) 2	1520	37,22
04.02 A III b) 1	1620	132,10
04.02 A III b) 2	1720	204,16
04.02 B I a)	1820	36,27
04.02 B I b) 1 aa)	2220	per kg 1,2149 ⁽⁴⁾
04.02 B I b) 1 bb)	2320	per kg 1,6891 ⁽⁴⁾
04.02 B I b) 1 cc)	2420	per kg 2,3775 ⁽⁴⁾
04.02 B I b) 2 aa)	2520	per kg 1,2149 ⁽⁵⁾
04.02 B I b) 2 bb)	2620	per kg 1,6891 ⁽⁵⁾
04.02 B I b) 2 cc)	2720	per kg 2,3775 ⁽⁵⁾
04.02 B II a)	2820	52,91
04.02 B II b) 1	2910	per kg 1,3210 ⁽⁵⁾
04.02 B II b) 2	3010	per kg 2,0416 ⁽⁵⁾
04.03 A	3110	240,19
04.03 B	3210	293,03
04.04 A	3300	184,99 ⁽⁶⁾
04.04 B	3900	238,75 ⁽⁷⁾
04.04 C	4000	163,23 ⁽⁸⁾
04.04 D I a)	4410	169,02 ⁽⁹⁾
04.04 D I b)	4510	178,43 ⁽⁹⁾
04.04 D II	4610	275,15
04.04 E I a)	4710	238,75
04.04 E I b) 1	4800	195,32 ⁽¹⁰⁾

(ECU/100 kg net weight, unless otherwise indicated)

CCT heading No	Code	Import levy
04.04 E I b) 2	5000	181,15 ⁽¹¹⁾
04.04 E I c) 1	5210	135,86
04.04 E I c) 2	5250	277,87
04.04 E II a)	5310	238,75
04.04 E II b)	5410	277,87
17.02 A II	5500	41,79 ⁽¹²⁾
21.07 F I	5600	41,79
23.07 B I a) 3	5700	93,54
23.07 B I a) 4	5800	121,48
23.07 B I b) 3	5900	112,81
23.07 B I c) 3	6000	90,75
23.07 B II	6100	121,48

- (¹) For the purposes of this tariff subheading, 'special milk for infants' means products free from pathogenic toxicogenic germs and containing per gram less than 10 000 revivifiable aerobic bacteria and less than two coliform bacteria.
- (²) Inclusion under this tariff subheading is subject to conditions to be laid down by the competent authorities.
- (³) In calculating the fat content the weight of any added sugar shall be disregarded.
- (⁴) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ;
 - (b) 7,25 ECU ; and
 - (c) 24,55 ECU.
- (⁵) The levy on 100 kg of product falling within this subheading is equal to the sum of the following components :
- (a) the amount per kg shown, multiplied by the weight of milk and cream contained in 100 kg of product ; and
 - (b) 24,55 ECU.
- (⁶) The levy is limited to :
- 18,13 ECU per 100 kg net weight for products listed under (a) in Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (c) of that Annex imported from Austria or Finland,
 - 9,07 ECU per 100 kg net weight for products listed under (b) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland.
- (⁷) The levy is limited to 6 % of the customs value for imports from Switzerland, in accordance with Article 1 (3) of Regulation (EEC) No 1767/82.
- (⁸) The levy is limited to 50 ECU per 100 kg net weight for products listed under (o) and (p) of Annex I to Regulation (EEC) No 1767/82 imported from Austria.
- (⁹) The levy is limited to 36,27 ECU per 100 kg net weight for products listed under (g) of Annex I to Regulation (EEC) No 1767/82 imported from Switzerland and for products listed under (h) of that Annex imported from Austria or Finland.
- (¹⁰) The levy per 100 kg net weight is limited to :
- 12,09 ECU for products listed under (d) of Annex I to Regulation (EEC) No 1767/82 imported from Canada,
 - 15,00 ECU for products listed under (e) and (f) of that Annex imported from Australia or New Zealand.
- (¹¹) The levy is limited to :
- 77,70 ECU per 100 kg net weight for products listed under (i) of Annex I to Regulation (EEC) No 1767/82 imported from Romania or Switzerland,
 - 50 ECU for products listed under (o) and (p) of that Annex imported from Austria,
 - 101,88 ECU per 100 kg net weight for products listed under (k) of that Annex imported from Romania or Switzerland,
 - 65,61 ECU per 100 kg net weight for products listed under (l) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey or Yugoslavia and for products listed under (m) of that Annex imported from Bulgaria, Hungary, Israel, Romania, Turkey, Cyprus or Yugoslavia,
 - 55 ECU per 100 kg net weight for products listed under (n) of that Annex imported from Austria, for products listed under (s) of that Annex imported from Finland and for products listed under (r) of that Annex imported from Norway,
 - 18,13 ECU per 100 kg net weight for products listed under (q) of that Annex imported from Finland,
 - 15,00 ECU for products listed under (f) of that Annex imported from Australia and New Zealand.
- (¹²) Lactose and lactose syrup falling within subheading 17.02 A I are, in pursuance of Regulation (EEC) No 2730/75, subject to the same levy as that applicable to lactose and lactose syrup falling within subheading 17.02 A II.
- (¹³) For the purposes of tariff subheading ex 23.07 B 'milk products' means the products falling within tariff headings and sub-headings 04.01, 04.02, 04.03, 04.04, 17.02 A and 21.07 F I.
-

COMMISSION REGULATION (EEC) No 2152/85
of 30 July 1985
fixing additional amounts for certain pigmeat products

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
2759/75 of 29 October 1975 on the common organi-
zation of the market in pigmeat ⁽¹⁾, as last amended by
Regulation (EEC) No 2966/80 ⁽²⁾, and in particular the
second subparagraph of Article 13 (5) thereof,

Whereas if, for a given product, the free-at-frontier
offer price (hereinafter called the 'offer price') falls
below the sluice-gate price, the levy applicable to that
product must be increased by an additional amount
equal to the difference between the sluice-gate price
and the offer price determined in accordance with
Article 1 of Commission Regulation No 202/67/EEC
of 28 June 1967 on fixing the additional amount for
imports of pigmeat products from third countries ⁽³⁾, as
amended by Regulation No 614/67/EEC ⁽⁴⁾;

Whereas the offer price must be determined for all
imports from all third countries; whereas, however, if
exports from one or more third countries are effected
at abnormally low prices, lower than prices ruling for
other third countries, a second offer price must be
determined for exports from these other countries;

Whereas the regular review of the information serving
as a basis for the determination of average offer prices
for the products listed in Article 1 (1) of Regulation
(EEC) No 2759/75 indicates that additional amounts
corresponding to the figures shown in the Annex
hereto should be fixed for the imports listed according
to product and country of origin in that Annex;

Whereas Council Regulation (EEC) No 2767/75 of 29
October 1975 ⁽⁵⁾, as last amended by Regulation (EEC)
No 1906/83 ⁽⁶⁾, laid down general rules for the fixing
of additional amounts for those products for which no
sluice-gate price is fixed;

Whereas Regulation No 202/67/EEC lays down
certain detailed rules, to that end, and in particular for

determining the free-at-frontier offers for those
products; whereas, according to the information
received by the Commission, offers from third coun-
tries in the determination of which not only the prices
shown in customs documents but also all other indica-
tions concerning the prices ruling in third countries,
are taken into account, are developing in such a way
that additional amounts should be fixed for those
products at the level shown in the Annex;

Whereas, in accordance with Article 1 of Regulation
No 121/65/EEC ⁽⁷⁾ and with Regulations (EEC) No
564/68 ⁽⁸⁾, (EEC) No 998/68 ⁽⁹⁾, as amended by Regula-
tion (EEC) No 328/83 ⁽¹⁰⁾, (EEC) No 2260/69 ⁽¹¹⁾, as
amended by Regulation (EEC) No 328/83, and (EEC)
No 1570/71 ⁽¹²⁾, as amended by Regulation (EEC) No
328/83, the levy on certain products listed in those
Regulations which originate in and come from the
Federal Republic of Austria, the People's Republic of
Poland, the Hungarian People's Republic, the Socialist
Republic of Romania and the People's Republic of
Bulgaria should not be increased by an additional
amount;

Whereas the measures provided for in this Regulation
are in accordance with the opinion of the Management
Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

The additional amounts provided for in Article 13 of
Regulation (EEC) No 2759/75 shall be as set out in
the Annex hereto for the products listed in Article 1
(1) of that Regulation which appear in the said Annex.

Article 2

This Regulation shall enter into force on 1 August
1985.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 307, 18. 11. 1980, p. 5.

⁽³⁾ OJ No 134, 30. 6. 1967, p. 2837/67.

⁽⁴⁾ OJ No 231, 27. 9. 1967, p. 6.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 29.

⁽⁶⁾ OJ No L 190, 14. 7. 1983, p. 4.

⁽⁷⁾ OJ No 155, 18. 9. 1965, p. 2560/65.

⁽⁸⁾ OJ No L 107, 8. 5. 1968, p. 6.

⁽⁹⁾ OJ No L 170, 19. 7. 1968, p. 14.

⁽¹⁰⁾ OJ No L 38, 10. 2. 1983, p. 12.

⁽¹¹⁾ OJ No L 286, 14. 11. 1969, p. 22.

⁽¹²⁾ OJ No L 165, 23. 7. 1971, p. 23.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

ANNEX

to the Commission Regulation of 30 July 1985 fixing additional amounts for certain pigmeat products

(ECU/100 kg)

CCT heading No	Description	Supplementary amount	Origin of imports
01.03	Live swine : A. Domestic species : II. Other : b) Other	35,00	Origin : German Democratic Republic (1)
02.01	Meat and edible offals of the animals falling within heading No 01.01, 01.02, 01.03 or 01.04 fresh, chilled or frozen : A. Meat : III. Of swine : a) Of domestic swine : 1. Whole carcasses or half-carcasses 2. Legs and parts thereof 6. Other : bb) Other	55,00 5,00 20,00	Origin : German Democratic Republic (1) Origin : German Democratic Republic (1) and Czechoslovakia Origin : Hungary

(1) With the exception of the German internal trade pursuant to the Protocol on German internal trade and connected problems.

COMMISSION REGULATION (EEC) No 2153/85

of 30 July 1985

introducing a countervailing charge on aubergines originating in Spain

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1035/72 of 18 May 1972 on the common organization
of the market in fruit and vegetables⁽¹⁾, as last
amended by Regulation (EEC) No 1332/84⁽²⁾, and in
particular the second subparagraph of Article 27 (2)
thereof,

Whereas Article 25 (1) of Regulation (EEC) No
1035/72 provides that, if the entry price of a product
imported from a third country remains at least 0,6
ECU below the reference price for two consecutive
market days, a countervailing charge must be intro-
duced in respect of the exporting country concerned,
save in exceptional circumstances; whereas this charge
is equal to the difference between the reference price
and the arithmetic mean of the last two entry prices
available for that exporting country;

Whereas Commission Regulation (EEC) No 752/85 of
22 March 1985 fixing for the 1985 marketing year the
reference prices for aubergines⁽³⁾ fixed the reference
price for products of class I for the month of July
1985 at 69,85 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country
is equal to the lowest representative prices recorded for
at least 30 % of the quantities from the exporting
country concerned which are marketed on all repre-
sentative markets for which prices are available less the
duties and the charges indicated in Article 24 (3) of
Regulation (EEC) No 1035/72; whereas the meaning
of representative price is defined in Article 24 (2) of
Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regula-
tion (EEC) No 2118/74⁽⁴⁾, as last amended by Regula-
tion (EEC) No 3110/83⁽⁵⁾, the prices to be taken into

consideration must be recorded on the representative
markets or, in certain circumstances, on other
markets;

Whereas, for Spanish aubergines, the entry price calcu-
lated in this way has remained at least 0,6 ECU below
the reference price for two consecutive market days;
whereas a countervailing charge should therefore be
introduced for these aubergines;

Whereas, if the system is to operate normally, the
entry price should be calculated on the following
basis:

- in the case of currencies which are maintained in
relation to each other at any given moment within
a band of 2,25 %, a rate of exchange based on
their central rate, multiplied by the coefficient
provided for in Article 2b (2) of Regulation (EEC)
No 974/71⁽⁶⁾, as last amended by Regulation (EEC)
No 855/84⁽⁷⁾,
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded over a given period in
relation to the Community currencies referred to
in the previous indent, and the aforesaid coeffi-
cient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 34,10 ECU per 100 kilo-
grams net is applied to aubergines (subheading 07.01
T II of the Common Customs Tariff) originating in
Spain.

Article 2

This Regulation shall enter into force on 1 August
1985.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 81, 23. 3. 1985, p. 22.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 303, 5. 11. 1983, p. 5.

⁽⁶⁾ OJ No L 106, 12. 5. 1971, p. 1.

⁽⁷⁾ OJ No L 90, 1. 4. 1984, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2154/85**of 30 July 1985****amending Regulation (EEC) No 2036/85 introducing a countervailing charge on pears originating in Spain**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1332/84⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2036/85 of 23 July 1985⁽³⁾ introduced a countervailing charge on pears originating in Spain;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a

charge introduced in application of Article 25 of that Regulation is amended; whereas, if those conditions are taken into consideration, the countervailing charge on the import of pears originating in Spain must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2036/85, '2,78 ECU' is hereby replaced by '7,84 ECU'.

Article 2

This Regulation shall enter into force on 31 July 1985.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 130, 16. 5. 1984, p. 1.

⁽³⁾ OJ No L 192, 24. 7. 1985, p. 12.

COMMISSION REGULATION (EEC) No 2155/85
of 30 July 1985
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No
1785/81 of 30 June 1981 on the common
organization of the markets in the sugar sector⁽¹⁾, as
last amended by Regulation (EEC) No 1482/85⁽²⁾, and
in particular Article 16 (8) thereof,

Whereas the import levies on white sugar and raw
sugar were fixed by Regulation (EEC) No 1809/85⁽³⁾,
as last amended by Regulation (EEC) No 2133/85⁽⁴⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EEC) No 1809/85 to the
information known to the Commission that the levies

at present in force should be altered to the amounts
set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regu-
lation (EEC) No 1785/81 shall be, in respect of white
sugar and standard quality raw sugar, as set out in the
Annex hereto.

Article 2

This Regulation shall enter into force on 31 July 1985.

This Regulation shall be binding in its entirety and directly applicable in all Member
States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

-
- ⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 151, 10. 6. 1985, p. 1.
⁽³⁾ OJ No L 169, 29. 6. 1985, p. 77.
⁽⁴⁾ OJ No L 198, 30. 7. 1985, p. 59.

ANNEX

**to the Commission Regulation of 30 July 1985 fixing the import levies on white sugar and
raw sugar**

<i>(ECU/100 kg)</i>		
CCT heading No	Description	Levy
17.01	Beet sugar and cane sugar, in solid form :	
	A. White sugar : flavoured or coloured sugar	48,01
	B. Raw sugar	43,32 ⁽¹⁾

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the levy applicable
is calculated in accordance with the provisions of Article 2 of Regulation (EEC) No 837/68.

COMMISSION REGULATION (EEC) No 2156/85

of 30 July 1985

altering the import levies on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2727/75 of 29 October 1975 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EEC) No 1018/84⁽²⁾, and in particular Article 14 (4) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EEC) No 1025/84⁽⁴⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation No 129 on the value of the unit of account and the exchange rates to be applied for the purposes of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EEC) No 2543/73⁽⁶⁾, and in particular Article 3 thereof,

Having regard to the advice of the Monetary Committee,

Whereas the import levies on products processed from cereals and rice were fixed by Regulation (EEC) No 1734/85⁽⁷⁾, as last amended by Regulation (EEC) No 2105/85⁽⁸⁾;

Whereas Council Regulation (EEC) No 1027/84 of 31 March 1984⁽⁹⁾ amended Regulation (EEC) No 2744/75⁽¹⁰⁾ as regards products falling within sub-heading 23.02 A of the Common Customs Tariff;

Whereas, if the levy system is to operate normally, levies should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in Article 2b (2) of Regulation (EEC) No 974/71⁽¹¹⁾ as last amended by Regulation (EEC) No 855/84⁽¹²⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient;

Whereas these exchange rates being those recorded on 29 July 1985;

Whereas the levy on the basic product as last fixed differs from the average levy by more than 3,02 ECU per tonne of basic product; whereas, pursuant to Article 1 of Regulation (EEC) No 1579/74⁽¹³⁾ the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products processed from cereals and rice covered by Regulation (EEC) No 2744/75, as last amended by Regulation (EEC) No 1027/84, as fixed in the Annex to amended Regulation (EEC) No 1734/85 are hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 July 1985.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 30 July 1985.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.
⁽²⁾ OJ No L 107, 19. 4. 1984, p. 1.
⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.
⁽⁴⁾ OJ No L 107, 19. 4. 1984, p. 13.
⁽⁵⁾ OJ No 106, 30. 10. 1962, p. 2553/62.
⁽⁶⁾ OJ No L 263, 19. 9. 1973, p. 1.
⁽⁷⁾ OJ No L 166, 26. 6. 1985, p. 19.
⁽⁸⁾ OJ No L 197, 27. 7. 1985, p. 43.
⁽⁹⁾ OJ No L 107, 19. 4. 1984, p. 15.
⁽¹⁰⁾ OJ No L 281, 1. 11. 1975, p. 65.

⁽¹¹⁾ OJ No L 106, 12. 5. 1971, p. 1.
⁽¹²⁾ OJ No L 90, 1. 4. 1984, p. 1.
⁽¹³⁾ OJ No L 168, 25. 6. 1974, p. 7.

ANNEX

to the Commission Regulation of 30 July 1985 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CCT heading No	Import levies	
	Third countries (other than ACP or OCT)	ACP or OCT
11.01 E I ⁽²⁾	207,44	201,40
11.01 E II ⁽²⁾	117,15	114,13
11.02 A II ⁽²⁾	248,05	242,01
11.02 A V a) 1 ⁽²⁾	172,50	166,46
11.02 A V a) 2 ⁽²⁾	207,44	201,40
11.02 A V b) ⁽²⁾	117,15	114,13
11.02 B II b) ⁽²⁾	181,84	178,82
11.02 B II c) ⁽²⁾	182,04	179,02
11.02 C II ⁽²⁾	218,14	215,12
11.02 C V ⁽²⁾	182,04	179,02
11.02 D II ⁽²⁾	140,16	137,14
11.02 D V ⁽²⁾	117,15	114,13
11.02 E II b) ⁽²⁾	248,05	242,01
11.02 E II c) ⁽²⁾	207,44	201,40
11.02 F II ⁽²⁾	248,05	242,01
11.02 F V ⁽²⁾	207,44	201,40
11.02 G II	89,96	83,92
11.04 C II a)	169,44	145,26 ⁽³⁾
11.04 C II b)	200,69	176,51 ⁽³⁾
11.08 A I	169,44	148,89
11.08 A IV	169,44	148,89
11.08 A V	169,44	74,44 ⁽³⁾
17.02 B II a) ⁽³⁾	290,93	194,21
17.02 B II b) ⁽³⁾	215,38	148,89
17.02 F II a)	300,18	203,46
17.02 F II b)	207,98	141,49
21.07 F II	215,38	148,89
23.03 A I	366,30	184,96

⁽²⁾ For the purpose of distinguishing between products falling within heading Nos 11.01 and 11.02 and those falling within subheading 23.02 A, products falling within heading Nos 11.01 and 11.02 shall be those meeting the following specifications:

- a starch content (determined by the modified Ewers polarimetric method), referred to dry matter, exceeding 45 % by weight,
- an ash content, by weight, referred to dry matter (after deduction of any added minerals), not exceeding 1,6 % for rice, 2,5 % for wheat, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whole, rolled, flaked or ground, falls in all cases within heading No 11.02.

⁽³⁾ Pursuant to Regulation (EEC) No 2730/75 the product falling within subheading 17.02 B I is subject to the same levy as products falling within subheading 17.02 B II.

⁽³⁾ In accordance with Regulation (EEC) No 435/80 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States and in the overseas countries and territories:

- arrowroot falling within subheading 07.06 A,
- flours and meal of arrowroot falling within subheading 11.04 C,
- arrowroot starch falling within subheading 11.08 A V.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 July 1985

concerning the conclusion of a Community-COST concertation agreement on a concerted action project on the use of lignocellulose-containing by-products and other plant residues for animal feeding (COST Project 84 bis)

(85/366/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the draft Decision submitted by the
Commission,

Whereas by its Decision 84/197/EEC⁽¹⁾, the Council
adopted a concerted action project of the European
Economic Community on the use of lignocellulose-
containing by-products and other plant residues for
animal feeding;

Whereas Article 6 of Decision 84/197/EEC lays down
that the Community may conclude an agreement with
third States participating in European Cooperation in
the field of Scientific and Technical Research (COST)
with a view to coordinating the Community project
with the corresponding programmes of those States;

Whereas by its Decision of 20 February 1984, the
Council authorized the Commission to negotiate an
agreement to this end;

Whereas the Commission has completed these
negotiations;

Whereas this Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Community-COST concertation agreement on a
concerted action project on the use of lignocellulose-
containing by-products and other plant residues for
animal feeding (COST Project 84 bis) is hereby
approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notifica-
tion provided for in Article 6 (2) of the Agreement.

Done at Brussels, 16 July 1985.

For the Council

The President

M. FISCHBACH

⁽¹⁾ OJ No L 103, 16. 4. 1984, p. 23.

COMMUNITY-COST CONCERTATION AGREEMENT

on a concerted action project on the use of lignocellulose-containing by-products and other plant residues for animal feeding (COST Project 84 bis)

THE EUROPEAN ECONOMIC COMMUNITY,
hereinafter referred to as 'the Community',

THE SIGNATORY STATES TO THIS AGREEMENT,
hereinafter referred to as 'the participating non-member States',

Whereas a research project on single-cell protein production and utilization in animal feeding, implemented by a memorandum of understanding signed on 27 March 1980 within the framework of European Cooperation in the field of Scientific and Technical Research (COST) (COST Project 83/84), has yielded very encouraging results;

Whereas by its Decision of 2 April 1984 the Council of the European Communities adopted a Community concerted action project on the use of lignocellulose-containing by-products and other plant residues for animal feeding;

Whereas the Member States of the Community and the participating non-member States, hereinafter referred to as 'the States', intend, subject to the rules and procedures applicable to their national programmes, to carry out the research described in Annex A and are prepared to integrate such research into a process of concertation which they consider will be of mutual benefit;

Whereas the implementation of the research covered by the concerted action project will require a financial contribution of approximately 25 million ECU from the States,

HAVE AGREED AS FOLLOWS:

Article 1

The Community and the participating non-member States, hereinafter referred to as 'the Contracting Parties', shall participate for a period extending until 1 April 1988 in a concerted action project on the use of lignocellulose-containing by-products and other plant residues for animal feeding.

This project shall consist in concertation between the Community concerted action programme and the corresponding programmes of the participating non-member States. Research topics covered by this Agreement are listed in Annex A.

The States shall remain entirely responsible for the research carried out by their national institutions or bodies.

Article 2

Concertation between the Contracting Parties shall be effected through a Community-COST Concertation Committee, hereinafter referred to as 'the Committee'.

The Committee shall draw up its rules of procedure. Its Secretariat will be provided by the Commission of the European Communities, hereinafter referred to as 'the Commission'.

The terms of reference and the composition of this Committee are defined in Annex B.

Article 3

In order to ensure optimum efficiency in the execution of this concerted action project, a project leader may be appointed by the Commission in agreement with the delegates of the participating non-member States on the Committee.

Article 4

The maximum financial contribution by the Contracting Parties to the coordination costs for the period referred to in the first paragraph of Article 1 shall be:

- 650 000 ECU from the Community,
- 65 000 ECU from each participating non-member State.

The ECU is that defined by the Financial Regulation in force applicable to the general budget of the European Communities and by the financial arrangements adopted pursuant thereto.

The rules governing the financing of the Agreement are set out in Annex C.

Article 5

1. Through the Committee, the States shall exchange regularly all useful information resulting from the execution of the research covered by the concerted action project. They shall also endeavour to provide information on similar research planned or carried out by other bodies. An information shall be treated as confidential if the State which provides it so requests.

2. After having consulted the Committee, the Commission shall prepare annual progress reports on the basis of the information supplied and shall forward them to the States.

3. At the end of the concertation period, the Commission shall, after having consulted the Committee, forward to the States, a general report on the execution and results of the project. This report shall be published by the Commission not later than six months after it has been forwarded, unless a State objects. In that case the report shall be treated as confidential and shall be forwarded, on the request and with the agreement of the Committee, solely to the institutions and undertakings whose research or production activities justify access to knowledge resulting from the performance of the research covered by the concerted action project.

Article 6

1. This Agreement shall be open for signature by the Community and by the non-member States which took part in the Ministerial conference held in Brussels on 22 and 23 November 1971.

2. As a condition precedent to its participation in the concerted action project defined in Article 1, each of the Contracting Parties shall, after signing this Agreement, have notified the Secretary-General of the Council of the European Communities not later than 31 December 1985 of the completion of the procedures necessary under its internal provisions for the implementation of this Agreement.

3. For the Contracting Parties which transmit the notification provided for in paragraph 2, this Agreement shall come into force on the first day of the month following that in which the Community and at least one of the participating non-member States transmitted these notifications.

For those Contracting Parties which transmit the notification after the entry into force of this Agreement, it shall come into force on the first day of the second month following the month in which the notification was transmitted.

Contracting Parties which have not transmitted this notification when this Agreement comes into force shall be able to take part in the work of the Committee without voting rights until 31 December 1985.

4. The Secretary-General of the Council of the European Communities shall inform each of the Contracting Parties of the notifications provided for in paragraph 2 and of the date of entry into force of this Agreement.

Article 7

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territories of the participating non-member States.

Article 8

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek and Italian languages, each text being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities which shall transmit a certified copy to each of the Contracting Parties.

*ANNEX A***RESEARCH TOPICS COVERED BY THE AGREEMENT**

1. Use of substrates.
2. Use of products converted into animal feed.

*ANNEX B***TERMS OF REFERENCE AND COMPOSITION OF THE COMMUNITY-COST
CONCERTATION COMMITTEE ON THE USE OF LIGNOCELLULOSE-CONTAINING
BY-PRODUCTS AND OTHER PLANT RESIDUES FOR ANIMAL FEEDING**

1. The Committee shall :
 - 1.1. contribute to the optimum execution of the project by giving its opinion on all aspects of its progress ;
 - 1.2. evaluate the results of the project and draw conclusions regarding their application ;
 - 1.3. be responsible for the exchange of information provided for in Article 5 (1) of the Agreement ;
 - 1.4. suggest guidelines to the project leader ;
 - 1.5. have the right to set up, in respect of each of the research topics defined in Annex A, a subcommittee to ensure that the programme is properly implemented.
 2. The Committee's reports and opinions shall be communicated to the States.
 3. The Committee shall be composed of one delegate from the Commission, as coordinator of the Community concerted action project, one delegate from each participating non-member State, one delegate from each Member State representing its national programme and the project leader. Each delegate may be accompanied by experts.
-

*ANNEX C***FINANCING RULES***Article 1*

These provisions lay down the financial rules referred to in Article 4 of the Community-COST Concertation Agreement on a concerted action project on the use of lignocellulose-containing by-products and other plant residues for animal feeding (COST Project 84 bis).

Article 2

At the beginning of each financial year, the Commission shall send to each of the participating non-member States a call for funds corresponding to its share of the annual coordination costs under the Agreement, calculated in proportion to the maximum amounts laid down in Article 4 of the Agreement.

This contribution shall be expressed both in ECU and the currency of the participating non-member State concerned, the value of the ECU being defined in the Financial Regulation applicable to the general budget of the European Communities and determined on the date of the call for funds.

The total contributions shall cover the travel and subsistence costs of the delegates to the Committee, in addition to the coordination costs proper which include meetings, contracts to be concluded with persons or bodies in the participating States with a view to ensuring coordination and exchange of research workers between laboratories.

Each participating non-member State shall pay its annual contribution to the coordination costs under the Agreement at the beginning of each year, and by 31 March at the latest. Any delay in the payment of the annual contribution shall give rise to the payment of interest by the participating non-member State concerned at a rate equal to the highest discount rate ruling in the States on the due date. The rate shall be increased by 0,25 of a percentage point of each month of delay. The increased rate shall be applied to the entire period of delay. However, such interest shall be chargeable only if payment is effected more than three months after the issue of a call for funds by the Commission.

Article 3

The funds paid by participating non-member States shall be credited to the concerted action project as budget receipts allocated to a heading in the statement of the revenue of the Budget of the European Communities (Commission section).

Article 4

The provisional timetable for the coordination costs referred to in Article 4 of the Agreement is appended hereto.

Article 5

The Financial Regulation in force applicable to the General Budget of the European Communities shall apply to the management of the appropriations.

Article 6

At the end of each financial year, a statement of appropriations for the concerted action project shall be prepared and transmitted to the participating non-member States for information.

Appendix

PROVISIONAL TIMETABLE FOR THE CONCERTED ACTION PROJECT 'EFFECTS OF PROCESSING AND DISTRIBUTION ON THE QUALITY AND NUTRITIVE VALUE OF FOOD (COST Project 84 bis)'

	1984		1985		1986		1987		1988		Total	
	CA	PA	CA	PA	CA	PA	CA	PA	CA	PA	CA	PA
1. Initial estimate of overall requirements												
— Staff (1)	—	—	17 000	17 000	36 000	36 000	39 000	39 000	14 000	14 000	106 000	106 000
— Administrative operating expenditure	40 000	40 000	69 000	69 000	54 000	54 000	60 000	60 000	36 000	36 000	259 000	259 000
— Contracts	60 000	20 000	90 000	39 000	45 000	90 000	90 000	54 000	—	82 000	285 000	285 000
Total	100 000	60 000	176 000	125 000	135 000	180 000	189 000	153 000	50 000	132 000	650 000	650 000
2. Revised estimate of expenditure taking into account additional requirements arising from the accession of participating non-member States												
— Staff	—	—										
— Administrative operating expenditure	100 000	60 000	176 000	125 000	135 000	180 000	189 000	153 000	50 000	132 000	650 000	650 000
— Contracts	n100 000	n60 000	n176 000	n125 000	n135 000	n180 000	n189 000	n153 000	n50 000	n132 000	n650 000	n650 000
	10	10	10	10	10	10	10	10	10	10	10	10
3. Difference between 1 and 2 to be covered by contributions from participating non-member States	n100 000	n60 000	n176 000	n125 000	n135 000	n180 000	n189 000	n153 000	n50 000	n132 000	n650 000	n650 000
	10	10	10	10	10	10	10	10	10	10	10	10

n = number of participating non-member States.

CA = commitment appropriation.

PA = payment appropriations.

(1) With a view to carrying out this project, the Commission has requested for 1985 a support staff of one category C employee in addition to the resources allocated by the Decision of 2 April 1984 adopting the project (OJ No L 103, 16. 4. 1984, p. 29). During 1985, it will lay before the Council, for approval, a proposal for a new programme in the raw materials sector which will incorporate this project and the staff complement allocated thereto by the budget authority.

COUNCIL DECISION

of 16 July 1985

concerning the conclusion of a Community-COST concertation agreement on a concerted action project on the effects of processing and distribution on the quality and nutritive value of food (COST Project 91 bis)

(85/367/EEC)

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the draft Decision submitted by the
Commission,

Whereas by its Decision 84/304/EEC⁽¹⁾, the Council
adopted a concerted action research project of the
European Economic Community on the effects of
processing and distribution on the quality and nutri-
tive value of food ;

Whereas Article 6 of Decision 84/304/EEC lays down
that the Community may conclude an agreement with
third States participating in European Cooperation in
the field of Scientific and Technical Research (COST)
with a view to concerting the Community project with
the corresponding programmes of those States ;

Whereas by its Decision of 23 and 24 January 1984,
the Council authorized the Commission to negotiate
an agreement to this end ;

Whereas the Commission has completed these negoti-
ations ;

Whereas this Agreement should be approved,

HAS DECIDED AS FOLLOWS :

Article 1

The Community-COST concertation agreement on a
concerted action project on the effects of processing
and distribution on the quality and nutritive value of
food (COST Project 91 bis) is hereby approved on
behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall give the notifica-
tion provided for in Article 6 (2) of the Agreement.

Done at Brussels, 16 July 1985.

For the Council

The President

M. FISCHBACH

⁽¹⁾ OJ No L 151, 7. 6. 1984, p. 46.

COMMUNITY-COST CONCERTATION AGREEMENT

on a concerted action project on the effects of processing and distribution on the quality and nutritive value of food (COST Project 91 bis)

THE EUROPEAN ECONOMIC COMMUNITY,
hereinafter referred to as 'the Community',

THE SIGNATORY STATES TO THIS AGREEMENT,
hereinafter referred to as 'the participating non-member States',

Whereas a Community-COST Concertation Agreement on a concerted action project on the effects of thermal processing and distribution on the quality and nutritive value of foods (COST Project 91) was concluded between the Community and some non-member States involved in European Cooperation in the field of Scientific and Technical research (COST) on 22 January 1981 and expired on 26 November 1982;

Whereas the abovementioned concerted action project has produced very encouraging results;

Whereas by its Decision of 24 May 1984 the Council of the European Communities adopted a Community concerted action project on the effects of processing and distribution on the quality and nutritive value of food;

Whereas the Member States of the Community and the participating non-member States, hereinafter referred to as 'the States', intend, subject to the rules and procedures applicable to their national programmes, to carry out the research described in Annex A; whereas they are willing to have such research integrated into a process of concertation which they consider will be of mutual benefit;

Whereas the implementation of the research covered by the concerted action project will require a financial contribution of approximately 20 million ECU from the States,

HAVE AGREED AS FOLLOWS:

Article 1

The Community and the participating non-member States, hereinafter referred to as 'the Contracting parties', shall participate for a period extending until 7 June 1988 in a concerted action project on the effects of processing and distribution on the quality and nutritive value of food.

This project shall consist in concertation between the Community concerted action programme and the corresponding programmes of the participating non-

member States. Research topics covered by this Agreement are listed in Annex A.

The States shall remain entirely responsible for the research carried out by their national institutions or bodies.

Article 2

Concertation between the Contracting Parties shall be effected through a Community-COST Concertation Committee, hereinafter referred to as 'the Committee'.

The terms of reference and the composition of this Committee are defined in Annex B.

The Committee shall adopt its rules of procedure. Its secretariat shall be provided by the Commission of the European Communities, hereinafter referred to as 'the Commission'.

Article 3

In order to ensure optimum efficiency in the execution of this concerted action project, a project leader shall be appointed by the Commission in agreement with the delegates of the participating non-member States on the Committee.

Article 4

The maximum financial contribution by the Contracting Parties to the coordination costs for the period referred to in the first paragraph of Article 1 shall be:

- 780 000 ECU from the Community,
- 78 000 ECU from each participating non-member State.

The ECU is that defined by the Financial Regulation in force applicable to the general budget of the European Communities and by the financial arrangements adopted pursuant thereto.

The rules governing the financing of the Agreement are set out in Annex C.

Article 5

1. Through the Committee, the States shall exchange regularly all useful information resulting from the execution of the research covered by the concerted action project. They shall also endeavour to provide information on similar research planned or carried out by other bodies. Any information shall be treated as confidential if the State which provides it so requests.

2. After having consulted the Committee, the Commission shall prepare annual progress reports on the basis of the information supplied and shall forward them to the States.

3. At the end of the concertation period, the Commission shall, after having consulted the Committee, forward to the States, a general report on the execution and results of the project. This report shall be published by the Commission not later than six months after it has been forwarded, unless a State objects. In that case the report shall be treated as confidential and shall be forwarded, on the request and with the agreement of the Committee, solely to the institutions and undertakings whose research or production activities justify access to knowledge resulting from the performance of the research covered by the concerted action project.

Article 6

1. This Agreement shall be open for signature by the Community and by the non-member States which took part in the Ministerial conference held in Brussels on 22 and 23 November 1971.

2. As a condition precedent to its participation in the concerted action project defined in Article 1, each of the Contracting Parties shall, after signing this Agreement, have notified the Secretary-General of the Council of the European Communities not later than 31 December 1985 of the completion of the procedures necessary under its internal provisions for the implementation of this Agreement.

3. For the Contracting Parties which transmit the notification provided for in paragraph 2, this Agreement shall come into force on the first day of the

month following that in which the Community and at least one of the participating non-member States transmitted these notifications.

For those Contracting Parties which transmit the notification after the entry into force of this Agreement, it shall come into force on the first day of the second month following the month in which the notification was transmitted.

Contracting Parties which have not transmitted this notification when this Agreement comes into force shall be able to take part in the work of the Committee without voting rights until 31 December 1985.

4. The Secretary-General of the Council of the European Communities shall inform each of the Contracting Parties of the notifications provided for in paragraph 2 and of the date of entry into force of this Agreement.

Article 7

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territories of the participating non-member States.

Article 8

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek and Italian languages, each text being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Communities which shall transmit a certified copy to each of the Contracting Parties.

*ANNEX A***Research topics covered by the agreement**

1. HTST process (high-temperature, short-time processing) and other new thermal processing systems.
 2. Qualitative and nutritive properties of foods obtained by biotechnology.
 3. Chilling and refrigerated storage.
-

*ANNEX B***TERMS OF REFERENCE AND COMPOSITION OF THE COMMUNITY-COST
CONCERTATION COMMITTEE ON THE EFFECTS OF PROCESSING AND DISTRI-
BUTION ON THE QUALITY AND NUTRITIVE VALUE OF FOODS**

1. The Committee shall :
 - 1.1. contribute to the optimum execution of the project by giving its opinion on all aspects of its progress ;
 - 1.2. evaluate the results of the project and draw conclusions regarding their application ;
 - 1.3. be responsible for the exchange of information provided for in Article 5 (1) of the Agreement ;
 - 1.4. suggest guidelines to the project leader ;
 - 1.5. have the right to set up, in respect of each of the research topics defined in Annex A, a subcommittee to ensure that the programme is properly implemented.
 2. The Committee's reports and opinions shall be communicated to the States.
 3. The Committee shall be composed of one delegate from the Commission, as coordinator of the Community concerted action project, one delegate from each participating non-member State, one delegate from each Member State representing its national programme and the project leader. Each delegate may be accompanied by experts.
-

*ANNEX C***FINANCING RULES***Article 1*

These provisions lay down the financial rules referred to in Article 4 of the Community-COST Concertation Agreement on a concerted action project on the effects of processing and distribution on the quality and nutritive value of food (COST Project 91 bis).

Article 2

At the beginning of each financial year, the Commission shall send to each of the participating non-member States a call for funds corresponding to its share of the annual coordination costs under the Agreement, calculated in proportion to the maximum amounts laid down in Article 4 of the Agreement.

This contribution shall be expressed both in ECU and the currency of the participating non-member State concerned, the value of the ECU being defined in the Financial Regulation applicable to the general budget of the European Communities and determined on the date of the call for funds.

The total contributions shall cover the travel and subsistence costs of the delegates to the Committee, in addition to the coordination costs proper which include meetings, contracts to be concluded with persons or bodies in the participating States with a view to ensuring coordination and exchange of research workers between laboratories.

Each participating non-member State shall pay its annual contribution to the coordination costs under the Agreement at the beginning of each year, and by 31 March at the latest. Any delay in the payment of the annual contribution shall give rise to the payment of interest by the participating non-member State concerned at a rate equal to the highest discount rate ruling in the States on the due date. The rate shall be increased by 0,25 of a percentage point of each month of delay. The increased rate shall be applied to the entire period of delay. However, such interest shall be chargeable only if payment is effected more than three months after the issue of a call for funds by the Commission.

Article 3

The funds paid by participating non-member States shall be credited to the concerted action project as budget receipts allocated to a heading in the statement of the revenue of the Budget of the European Communities (Commission section).

Article 4

The provisional timetable for the coordination costs referred to in Article 4 of the Agreement is appended hereto.

Article 5

The Financial Regulation in force applicable to the General Budget of the European Communities shall apply to the management of the appropriations.

Article 6

At the end of each financial year, a statement of appropriations for the concerted action project shall be prepared and transmitted to the participating non-member States for information.

Appendix

PROVISIONAL TIMETABLE FOR THE CONCERTED ACTION PROJECT 'EFFECTS OF PROCESSING AND DISTRIBUTION ON THE QUALITY AND NUTRITIVE VALUE OF FOOD (COST Project 91 bis)'

	1984		1985		1986		1987		1988		Total	
	CA	PA	CA	PA	CA	PA	CA	PA	CA	PA	CA	PA
1. Initial estimate of overall requirements												
— Staff	—	—	17 000	17 000	36 650	36 650	39 100	39 100	20 000	20 000	112 750	112 750
— Administrative operating expenditure	40 000	40 000	71 000	71 000	75 000	75 000	77 000	77 000	50 000	50 000	313 000	313 000
— Contracts	45 000	20 000	102 000	37 000	90 000	115 000	95 000	115 000	22 250	67 250	354 250	354 250
Total	85 000	60 000	190 000	125 000	201 650	226 650	211 100	231 100	92 250	137 250	780 000	780 000
2. Revised estimate of expenditure taking into account additional requirements arising from the accession of participating non-member States												
— Staff	—	—										
— Administrative operating expenditure	85 000	60 000	190 000	125 000	201 650	226 650	211 100	231 100	92 250	137 250	780 000	780 000
— Contracts	n85 000	n60 000	n190 000	n125 000	n201 650	n226 650	n211 100	n231 100	n92 250	n137 250	n780 000	n780 000
	10	10	10	10	10	10	10	10	10	10	10	10
3. Difference between 1 and 2 to be covered by contributions from participating non-member States	n85 000	n60 000	n190 000	n125 000	n201 650	n226 650	n211 100	n231 100	n92 250	n137 250	n780 000	n780 000
	10	10	10	10	10	10	10	10	10	10	10	10

n = number of participating non-member States.

CA = commitment appropriation.

PA = payment appropriations.

COUNCIL DECISION

of 16 July 1985

on the comparability of vocational training qualifications between the Member States of the European Community

(85/368/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 128 thereof,

Having regard to Council Decision 63/266/EEC of 2 April 1963 laying down general principles for implementing a common vocational training policy⁽¹⁾, and in particular the eighth principle thereof,

Having regard to the proposal from the Commission, as amended on 17 July 1984,

Having regard to the opinion of the European Parliament⁽²⁾,

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas the eighth principle of Decision 63/266/EEC is to make it possible to achieve the mutual recognition of certificates and other documents confirming completion of vocational training;

Whereas the Council resolution of 6 June 1974⁽⁴⁾ on the mutual recognition of diplomas, certificates and other evidence of formal qualifications requires lists of such qualifications recognized as being equivalent to be drawn up;

Whereas the absence of the said mutual recognition is a factor inhibiting freedom of movement for workers within the Community, insofar as it restricts the possibility for workers seeking employment in one Member State to rely on vocational qualifications which they have obtained in another Member State;

Whereas there is a very substantial degree of diversity in the vocational training systems in the Community; whereas these systems are constantly requiring adaptation to the new situations brought about by the impact of technological change on employment and job content;

Whereas the Council resolution of 11 July 1983 concerning vocational training policies in the Euro-

pean Community in the 1980s⁽⁵⁾ affirmed the need for a convergence of policies in the vocational training field, whilst recognizing the diversity of training systems in the Member States, and the need for Community action to be flexible;

Whereas it has been possible for the Commission to establish as a reference point, with the help of the Advisory Committee for Vocational Training, a structure of levels of training which represents a first step towards the achievement of the aims laid down in the eighth principle of Decision 63/266/EEC, but whereas this structure does not reflect all the training systems being developed in the Member States;

Whereas for the skilled-worker level within this structure, and for selected priority groups of occupations, it has been possible to arrive at practical job descriptions and to identify the corresponding vocational training qualifications in the various Member States;

Whereas consultation with the vocational sectors concerned has provided evidence that these results can provide firms, workers and public authorities with valuable information concerning the comparability of vocational training qualifications;

Whereas the same basic methodology could be applied to other occupations or groups of occupations on advice from the Advisory Committee for Vocational Training and with the collaboration of employers, workers and the public authorities in the vocational sectors concerned;

Whereas it is therefore essential to make rapid progress towards the comparability of vocational training qualifications for all skilled workers, and to extend the work to other levels of training as quickly as possible;

Whereas it is advisable to have all the necessary opinions, in particular that of the Advisory Committee for Vocational Training, and the technical assistance of the European Centre for the Development of Vocational Training, and to enable the Member States and the Commission to act in accordance with existing procedures;

⁽¹⁾ OJ No 63, 20. 4. 1963, p. 1338/63.

⁽²⁾ OJ No C 77, 19. 3. 1984, p. 11.

⁽³⁾ OJ No C 35, 9. 2. 1984, p. 12.

⁽⁴⁾ OJ No C 98, 20. 8. 1974, p. 1.

⁽⁵⁾ OJ No C 193, 20. 7. 1983, p. 2.

Whereas the Advisory Committee for Vocational Training delivered an opinion at its meeting on 18 and 19 January 1983;

Whereas paragraph 21 of the report of the Committee on a People's Europe of 29 and 30 March 1985 should be taken into account,

HAS ADOPTED THIS DECISION:

Article 1

The aim of enabling workers to make better use of their qualifications, in particular for the purposes of obtaining suitable employment in another Member State, shall require, for features of job descriptions mutually agreed by the Member States on behalf of workers, within the meaning of Article 128 of the Treaty, expedited common action by the Member States and the Commission to establish the comparability of vocational training qualifications in the Community and improved information on the subject.

Article 2

1. The Commission, in close cooperation with the Member States, shall undertake work to fulfil the aims set out in Article 1 on the comparability of vocational training qualifications between the various Member States, in respect of specific occupations or groups of occupations.

2. The work may use as a reference the structure of training levels drawn up by the Commission with the help of the Advisory Committee for Vocational Training.

The text of the said structure is attached to this Decision for information purposes.

3. The work referred to in paragraph 2 shall first and foremost concentrate on the occupational qualifications of skilled workers in mutually agreed occupations or groups of occupations.

4. The scope of this Decision may subsequently be extended to permit work to be undertaken, on a proposal from the Commission, at other levels of training.

5. The SEDOC register, used in connection with the European system for the international clearing of vacancies and applications for employment, shall, whenever possible, be used as the common frame of reference for vocational classifications.

Article 3

The following working procedure shall be employed by the Commission in establishing the comparability of vocational training qualifications in close coopera-

tion with the Member States and the organizations of workers and employers at Community level:

- selection of the relevant occupations or groups of occupations on a proposal from the Member States or the competent employer or worker organizations at Community level;
- drawing up mutually agreed Community job descriptions for the occupations or groups of occupations referred to in the first indent;
- matching the vocational training qualifications recognized in the various Member States with the job descriptions referred to in the second indent;
- establishing tables incorporating information on:
 - (a) the SEDOC and national classification codes;
 - (b) the level of vocational training;
 - (c) for each Member State, the vocational title and corresponding vocational training qualifications;
 - (d) the organizations and institutions responsible for dispensing vocational training;
 - (e) the authorities and organizations competent to issue or to validate diplomas, certificates, or other documents certifying that vocational training has been acquired;
- publication of the mutually agreed Community job descriptions and the comparative tables in the *Official Journal of the European Communities*;
- establishment, within the meaning of Article 4 (3), of a standard information sheet for each occupation or group of occupations, to be published in the *Official Journal of the European Communities*;
- dissemination of information on the established comparabilities to all appropriate bodies at national, regional and local levels, as well as throughout the occupational sectors concerned.

This action could be supported by the creation of a Community-wide data base, if experience shows the need for such a base.

Article 4

1. Each Member State shall designate a coordination body, based wherever possible on existing structures, which shall be responsible for ensuring — in close collaboration with the social partners and the occupational sectors concerned — the proper dissemination of information to all interested bodies. The Member States shall also designate the body responsible for contacts with the coordination bodies in other Member States and with the Commission.

2. The coordination bodies of the Member States shall be competent to establish appropriate arrangements with regard to vocational training information for their competent national, regional or local bodies as well as for their own nationals wishing to work in other Member States and for workers who are nationals of other Member States, on established cases of comparable vocational qualifications.

3. The bodies referred to in paragraph 2 may supply on request in all Member States an information sheet drawn up in accordance with the model provided for in the sixth indent of Article 3, which the worker may present to the employer together with his national certificate.

4. The Commission is to continue studying the introduction of the European vocational training pass advocated by the Committee for a People's Europe in paragraph 21 of its report of 29 and 30 March 1985.

5. The Commission shall give the bodies referred to in paragraph 2, on request, all necessary assistance and advice concerning the preparation and setting up of the arrangements provided for in paragraph 2, including the adaptation and checking of the relevant technical documents.

Article 5

The Commission shall, in close liaison with the national coordination bodies designated by the Member States,

- review and update at appropriate, regular intervals, in close cooperation with the Member States and the organizations of workers and employers at Community level, the mutually agreed Community

job descriptions and the comparative tables relating to the comparability of vocational training qualifications,

- where necessary, formulate proposals for a more efficient operation of the system including other measures likely to improve the situation as regards the comparability of vocational qualification certificates,
- where necessary, assist in the case of technical difficulties encountered by the national authorities or specialized bodies concerned.

Article 6

Each Member State shall submit to the Commission, for the first time two years after adoption of this Decision, and therefore every four years, a national report on the implementation of this Decision and the results obtained.

The Commission shall, at appropriate intervals, submit a report on its own work and on the application of this Decision in the Member States.

Article 7

This Decision is addressed to the Member States and the Commission.

Done at Brussels, 16 July 1985.

For the Council

The President

M. FISCHBACH

*ANNEX***Training-level structure referred to in Article 2 (2)****LEVEL 1****Training providing access to this level : compulsory education and professional initiation**

This professional initiation is acquired at an educational establishment, in an out-of-school training programme, or at the undertaking. The volume of theoretical knowledge and practical capabilities involved is very limited.

This form of training must primarily enable the holder to perform relatively simple work and may be fairly quickly acquired.

LEVEL 2**Training providing access to this level : compulsory education and vocational training (including, in particular, apprenticeships)**

This level corresponds to a level where the holder is fully qualified to engage in a specific activity, with the capacity to use the instruments and techniques relating thereto.

This activity involves chiefly the performance of work which may be independent within the limits of the relevant techniques.

LEVEL 3**Training providing access to this level : compulsory education and/or vocational training and additional technical training or technical educational training or other secondary-level training**

This form of training involves a greater fund of theoretical knowledge than level 2. Activity involves chiefly technical work which can be performed independently and/or entail executive and coordination duties.

LEVEL 4**Training providing access to this level : secondary training (general or vocational) and post-secondary technical training**

This form of training involves high-level technical training acquired at or outside educational establishments. The resultant qualification covers a higher level of knowledge and of capabilities. It does not generally require mastery of the scientific bases of the various areas concerned. Such capabilities and knowledge make it possible in a generally autonomous or in an independent way to assume design and/or management and/or administrative responsibilities.

LEVEL 5**Training providing access to this level : secondary training (general or vocational) and complete higher training**

This form of training generally leads to an autonomously pursued vocational activity — as an employee or as self-employed person — entailing a mastery of the scientific bases of the occupation. The qualifications required for engaging in a vocational activity may be integrated at these various levels.

Application of Article 27 of the Sixth Council Directive of 17 May 1977 on value added tax ⁽¹⁾

(Authorization of a derogation requested by the United Kingdom to enable certain types of tax evasion to be prevented)

(85/369/EEC)

In a letter dated 15 March 1985 the United Kingdom Government notified the Commission, pursuant to the above provisions, of its intention to introduce, for a period of two years, a measure derogating from the Sixth Directive in order to prevent tax evasion by introducing a system for charging VAT in cases where the marketing structure of certain firms is based on the sale of their products to unregistered resellers.

The Commission informed the other Member States by letter on 12 April 1985 of the United Kingdom Government's intention.

Under the provisions of Article 27 (4) of the Sixth Directive the Council's decision shall be deemed to have been adopted if, within two months of the other Member States being informed as laid down in the previous paragraph, neither the Commission nor any Member State has requested that the matter be raised by the Council.

As neither the Commission nor any Member State has made such a request within the period specified, the Council's decision is deemed to have been adopted on 13 June 1985.

⁽¹⁾ OJ No L 145, 13. 6. 1977, p. 1.